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General debate

Letter dated 3 November 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the Plurinational State of Bolivia to the United Nations addressed to the President of the General Assembly

I have the honour to attach herewith a letter from H.E. David Choquehuanca Céspedes, Minister for Foreign Affairs of the Plurinational State of Bolivia (see annex), in response to the reply dated 21 September 2011 from the Republic of Chile addressed to the President of the General Assembly.

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly.

(*Signed*) Rafael **Archondo**
Deputy Permanent Representative

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Annex to the letter dated 3 November 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the Plurinational State of Bolivia to the United Nations addressed to the President of the General Assembly

La Paz, 21 October 2011

I refer to the letter dated 21 September 2011 from the Permanent Representative of Chile addressed to the President of the General Assembly, in which the Republic of Chile once again resorts to arguments intended to evade and obfuscate an existing international problem that is disturbing peace in the region and presenting an obstacle to the friendship, unity and integration that should prevail among the peoples and States in the hemisphere and throughout the world.

The letter in question is a reply from Chile to the statement made by the President of the Plurinational State of Bolivia to the General Assembly at its sixty-sixth session, and it merely demonstrates the unquestionable existence of the same international dispute that began at the very moment when Chile forcibly took over Bolivian territory along the Pacific coast and brought about its landlocked status, in contravention of the international principles of justice and equity.

On a number of occasions throughout history, Chile has acknowledged the need to reach an agreement with Bolivia so that our country can regain access to its coastline. Bolivia's maritime claim is an unresolved problem, and because this problem is of interest to the entire hemisphere, as was recognized by the Organization of American States in its resolution 426 of 31 October 1979, Bolivia is calling on international organizations to raise awareness of this situation and demand a prompt resolution of its claim, which is based, we repeat, on internationally recognized principles.

Chile contends that the pending issue with Bolivia is "strictly bilateral", thereby attempting to evade its responsibility to the international community, while the latter continues to wait for a definitive solution to this dispute, which remains an open wound in the hemisphere. Many statements have been made by Heads of State and international dignitaries, such as former Secretary-General Kofi Annan, and by international organizations, all bearing witness to the international community's sympathy with Bolivia's just claim.

The Chilean delegation itself, at the sixty-sixth session of the General Assembly, stated that it would vote in favour of the Palestinian State being recognized by the United Nations, a clear illustration of the fact that issues which appear to be "strictly bilateral" (as Israel claims with regard to Palestine in order to oppose recognition of a Palestinian State) are actually of regional and global interest.

One of the purposes of the United Nations itself is to maintain international peace and friendly relations through the peaceful settlement of disputes. This purpose, and no other, is what Bolivia proclaims when it participates in a forum such as the General Assembly, so that the international community will become aware of, encourage, monitor and support Bolivia's quest for a solution to its geographical isolation. Chile must once again courageously take a political stand that will be applauded by the entire international community, as it did in 1895, 1950 and 1975; but this time it must reach a successful agreement with Bolivia and

restore its position as a country with sovereign and useful access to the Pacific Ocean. To that end, the Political Constitution of the Plurinational State of Bolivia is merely proclaiming a right whose realization is always, and in every case, linked to peaceful procedures.

Bolivia is claiming sovereign access to the Pacific Ocean on the basis of its right to correct an injustice and overcome the obstacles facing it as a result of its enforced isolation, which has resulted in a clear situation of dependency that has limited its development; this situation cannot be obscured by the "free transit regime" that Chile claims to have "fully implemented" but that, in reality, it has done little to observe.

The Plurinational State of Bolivia thanks the international community for its continued support and solidarity with Bolivia's maritime claim and confirms its willingness to seek concrete, feasible and useful solutions to the maritime problem through any methods available under international law, with preference being given to the peaceful settlement of disputes and direct dialogue; this does not preclude the possibility of having recourse to multilateral organizations, with a view to seeking relevant guidance from the international community and the promotion of a civilized dialogue, so that reason and truth will prevail over force and capriciousness.

(*Signed*) David **Choquehuanca Céspedes**
Minister for Foreign Affairs

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Sixty-sixth session
Agenda item 76 (b)
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Workshop to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks

Letter dated 27 October 2011 from the Moderator of the Workshop to the President of the General Assembly

Pursuant to paragraph 128 of General Assembly resolution 64/72 of 4 December 2009, the Workshop to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, was held at United Nations Headquarters in New York on 15 and 16 September 2011.

In my capacity as Moderator of the Workshop, I have the honour to transmit a summary of the discussions held thereat. Pursuant to paragraph 129 of resolution 64/72, those discussions are to be taken into account by the General Assembly in its further review of the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72.

I kindly request that the present letter and the summary transmitted herewith be circulated as a document of the General Assembly under agenda item 76.

(*Signed*) Alice **Revell**
Moderator

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Summary by the Moderator of the discussions held at the Workshop to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks*

1. In accordance with paragraph 128 of General Assembly resolution 64/72 of 4 December 2009, the Workshop to discuss implementation of paragraphs 80 and 83 to 87 of General Assembly resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, was convened at United Nations Headquarters in New York on 15 and 16 September 2011.

2. The Workshop was attended by representatives of 43 States, 19 intergovernmental organizations and other bodies, including regional fisheries management organizations and arrangements (RFMOs), and 12 non-governmental organizations. Ms. Alice Revell, Permanent Mission of New Zealand to the United Nations, was appointed Moderator of the Workshop.

3. In accordance with its organization of work,[1] the Workshop comprised six thematic segments, each of which was introduced by the presentations of relevant experts,[2] followed by a general discussion among participants.

Impacts of bottom fisheries on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks (segment 1)

4. In segment 1, presentations were made by: Ms. Ellen Kenchington (Bedford Institute of Oceanography, Department of Fisheries and Oceans, Canada); Mr. Odd Aksel Bergstad (Institute of Marine Research, Norway); Ms. Merete Tandstad (Food and Agriculture Organization of the United Nations (FAO)); Ms. Karen Sack (Pew Environment Group) and Mr. Matthew Gianni (Deep Sea Conservation Coalition); and Mr. Alastair Macfarlane (International Coalition of Fisheries Associations (ICFA)).

5. Participants discussed the characteristics, status and vulnerability of deep-sea habitats and species and the impacts of bottom fishing on vulnerable marine ecosystems (VMEs). Although considerable efforts had been made to increase scientific knowledge on vulnerable marine ecosystems, including the cartographic and bathymetric mapping of their distribution, it was noted that gaps in knowledge still existed. The need for further research on the location and characteristics of vulnerable marine ecosystems and on the scale and impacts of bottom-fishing activities was emphasized. In particular, participants stressed the need for

* The summary is intended for reference purposes only and not as a record of the discussions.

[1] Available from www.un.org/Depts/los/reference_files/workshop_fisheries_2011.pdf.

[2] The presentations of panellists at the Workshop are available from www.un.org/Depts/los/reference_files/2011_fisheries_wrkshp_panellists.pdf.

fisheries-independent research, monitoring, recovery studies and stock assessments. It was noted that the cost of research could be a barrier, especially in the high seas and for developing countries. Difficulties in distinguishing data on deep-sea catches for the high seas were also emphasized, as these data were usually not reported separately from data on catches within exclusive economic zones.

6. Participants noted that deep-sea catches were declining in some areas and it was opined that expansion of bottom fishing into deeper waters was unlikely owing to a variety of factors, including gear limitations. Several participants stressed that damage to vulnerable marine ecosystems and the depletion of fish stocks were already evident and that recovery in some cases would take decades, if not longer. Participants discussed trade-offs and the relative value of bottom fishing in light of environmental concerns and economic returns, and the spatial impact of bottom-fishing activities in areas beyond national jurisdiction. It was noted that technological advances in fishing gear and practices, as well as the use of predictive modelling to identify vulnerable marine ecosystems, could help to reduce the impacts of bottom-fishing activities. The important role of the fishing industry in ensuring food security was emphasized and the industry's interest in maintaining consumer confidence was noted.

7. Participants drew attention to the need for effective conservation and management measures to protect vulnerable marine ecosystems and ensure the long-term sustainability of deep-sea fish stocks. Challenges in adopting measures to reduce the catch of target and non-target species were highlighted. In this context, participants also discussed the applicability of coastal States measures in the regulation of deep-sea stocks in areas beyond national jurisdiction.

8. Many participants noted that considerable progress had been made by States and regional fisheries management organizations and arrangements in the implementation of General Assembly resolutions 61/105 and 64/72, including the establishment of new regional fisheries management organizations and arrangements and the adoption of measures by regional fisheries management organizations and arrangements that limit bottom-fishing activities to existing fishing areas. Significant work had also been undertaken by FAO. It was generally recognized, however, that further actions were needed to fully implement the resolutions and the 2008 International Guidelines for the Management of Deep-Sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations.[3]

9. Many participants expressed the view that, if fully implemented, the resolutions and the Guidelines would provide the tools necessary for protecting vulnerable marine ecosystems from significant adverse impacts due to bottom fishing and ensuring the long-term sustainability of deep-sea fish stocks. Several participants noted specific challenges, including gaps in scientific knowledge, the need for technical assistance, and resource constraints, as well as shortcomings in implementation, in particular regarding impact assessments, area closures and encounters with VMEs. It was suggested that the cumulative impacts of fishing activities were not sufficiently taken into account in impact assessments. Some

[3] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on International Guidelines for the Management of Deep-sea Fisheries in the High Seas, Rome, 4-8 February and 25-29 August 2008*, FAO Fisheries and Aquaculture Report No. 881 (FIEP/R881 (Tri)), appendix F.

participants indicated that encounters with dead structural organisms, such as dead corals, should be considered in VME encounter protocols. Challenges were also noted in identifying encounters with VMEs and in measuring negative impacts on rare species.

10. The need for precautionary (not reactionary) measures, in particular area closures, was also emphasized. The view was expressed that States should not authorize bottom-fishing activities until proper regulatory measures were in place to protect vulnerable marine ecosystems and ensure the long-term sustainability of deep-sea fish stocks. The need to respect the sovereign rights of coastal States over the continental shelf in the conduct of bottom-fishing activities and marine scientific research was also emphasized.

11. The impacts of resolutions 61/105 and 64/72 on the actions taken by States, regional fisheries management organizations and arrangements and industry operators were highlighted. Participants discussed the need for both policy guidance and technical assistance, but divergent views were expressed on the role of the General Assembly in the consideration of these issues. Some participants supported further review of the implementation of the resolutions by the Assembly, given the need for globally coherent policy guidance, the cross-cutting nature of the issues and the range of interests affected. Other participants emphasized that regulation was becoming increasingly technical and should be undertaken by specialized entities, such as FAO and regional fisheries management organizations and arrangements. Several participants suggested that further review of the implementation of the resolutions should be conducted by FAO, given the technical nature of the discussions, and that FAO should facilitate discussions on future actions among States, regional fisheries management organizations and arrangements and relevant industry groups.

Experience of States in addressing the impacts of bottom fisheries on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks (segment 2)

12. In segment 2, many States described actions that had been taken to implement the relevant paragraphs of resolutions 61/105 and 64/72. A presentation was made by Mr. John Brincat (European Commission) on the experience of the European Union in addressing impacts of bottom fisheries. Some States indicated that they either did not authorize or did not engage in bottom fishing in areas beyond national jurisdiction. A number of States stressed the importance of implementing the resolutions within areas of national jurisdiction and described actions that had been taken within their exclusive economic zones, including the closure of areas to bottom fisheries.

13. It was generally recognized that progress had been made by States, individually and through regional fisheries management organizations and arrangements, in implementing the resolutions. Particular attention was drawn to the adoption of measures relating to area closures, impact assessments, mandatory observer coverage, and encounter protocols. Participants highlighted the importance of adopting measures based on the best available scientific information, as well as the need to apply precautionary and ecosystem approaches. Participants also provided information on specific measures taken to ensure the long-term

sustainability of deep-sea fish stocks, including gear restrictions, limits on fishing capacity, data collection and monitoring and control.

14. Some participants provided specific information on measures that had been adopted to implement resolutions 61/105 and 64/72 in areas where no competent regional fisheries management organizations and arrangements existed. Efforts to conduct scientific research in these areas were highlighted, including actions taken to unilaterally close areas to bottom-fishing activities following the identification of areas containing vulnerable marine ecosystems through seabed-mapping programmes. Information was also provided on interim measures that had been adopted by participants in negotiations to establish new regional fisheries management organizations and arrangements to regulate bottom-fishing activities. Some participants called for the early entry into force of the instruments for establishing them, in particular in the Southern Indian Ocean, the South Pacific Ocean and the North Pacific Ocean. Other gaps in regional fisheries management organizations and arrangements coverage were highlighted, including in the South-West Atlantic Ocean and, in this regard, participants emphasized the need for States to cooperate, in accordance with the 1982 United Nations Convention on the Law of the Sea.[4]

15. Many participants stressed that, despite the progress achieved, further efforts were needed to fully implement the resolutions. Some participants expressed concerns over the slow pace of implementation of the resolutions. It was generally recognized that there was a need for further scientific information and data on the location and characteristics of vulnerable marine ecosystems, including clear definitions of those ecosystems. In this context, participants discussed possible adverse impacts to VMEs during survey or exploratory activities and the relative costs and benefits of such activities. Some participants highlighted the utility of predictive modelling in determining the spatial pattern of VMEs, while other participants noted the need to verify such modelling exercises.

16. Challenges in the application of encounter protocols and "move-on rules" were highlighted, including threshold levels that were too high in triggering encounters with vulnerable marine ecosystems and move-on distances that were arbitrary. Difficulties in respect of identifying the location of VMEs and the absence of reporting were also noted. In addition, problems were observed in respect of the attempt to apply the same criteria in different regions. Many participants stressed that, given the length of some bottom-fishing tows, move-on rules did not provide adequate protection for VMEs, in particular in new fishing areas. It was suggested by some participants that encounter protocols should be limited to existing fishing areas and that threshold levels should be reduced. The need to take into account differences in regional features and taxa in the development and application of these management tools was emphasized.

17. Some participants described challenges in adopting measures to ensure the long-term sustainability of deep-sea fish stocks. Participants noted, in particular, difficulties in determining sustainable levels of fishing effort, as well as high levels of by-catch and discards in certain fisheries. The vulnerability of some stocks to fishing was also noted. Participants highlighted challenges stemming from illegal, unreported and unregulated (IUU) fishing and shared information on vessels that

[4] United Nations, *Treaty Series*, vol. 1833, No. 31363.

had been engaged in bottom fishing when the flag State could not be determined. Some participants suggested that bottom fishing in contravention of the General Assembly resolutions should be considered IUU fishing. A number of participants also highlighted concerns over the use of harmful subsidies, which encouraged continued engagement in bottom fishing where it would not otherwise be economic.

18. Some participants highlighted difficulties in evaluating the effectiveness of recently adopted measures to implement the resolutions, including lack of data and scientific information. In this regard, the need for technical support for achieving adequate implementation of the FAO Guidelines was emphasized. Some participants stressed the need for time to study the effectiveness of adopted measures, while other participants indicated that reviews would be conducted on the basis of experience already gained, as well as developments in international forums.

Experience of regional fisheries management organizations and arrangements in addressing the impacts of bottom fisheries on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks (segment 3)

19. In segment 3, presentations were made by: Mr. Andrew Wright (Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)); Mr. Stefán Ásmundsson (North East Atlantic Fisheries Commission (NEAFC)), Mr. Vladimir Shibanov (Northwest Atlantic Fisheries Organization (NAFO)); Mr. Shingo Ota (Interim Secretariat for the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (NPFC)); Ms. Karen Sack (Pew Environment Group) and Mr. Matthew Gianni (Deep Sea Conservation Coalition); and Mr. Ross Shotton (Southern Indian Ocean Deepsea Fishers Association (SIODFA)).

20. Representatives of regional fisheries management organizations and arrangements provided information on measures that had been taken to implement resolutions 61/105 and 64/72, including impact assessments, identification of vulnerable marine ecosystems, area closures and encounter protocols, as well as fisheries management measures, such as catch, fishing effort and gear limits. In some RFMOs, the regulated area had been divided into new and existing fishing areas, and closures had been put in place where bottom fishing was not allowed. New areas had been effectively closed and were subject to impact assessments before fishing activities could be carried out. Efforts to identify VMEs within existing fishing areas were also ongoing. In some RFMOs, the assessment of the impact of bottom fishing in existing fishing areas had been conducted by the organization and not by individual States. Information was also provided to clarify how the cumulative impact of bottom-fishing activities had been taken into account in the encounter protocol of one RFMO.

21. Many participants welcomed the progress that had been made by regional fisheries management organizations and arrangements in the implementation of the resolutions.[5] Several participants emphasized the important role of RFMOs in the

[5] The South East Atlantic Fisheries Organisation (SEAFO) was not present at the Workshop and could not respond to remarks regarding management in the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (United Nations, *Treaty Series*, vol. 2221, No. 39489).

management of bottom fisheries and in the implementation of resolutions 61/105 and 64/72. Some participants stressed that RFMOs offered the most appropriate forums within which to address these issues, since they held the mandate to set legally binding measures and were already accepted by the fishing industry, which made compliance more likely. Other participants noted that the language of the resolutions had assisted States and RFMOs in addressing these issues and indicated that future work by the General Assembly could also be useful.

22. It was generally recognized that, to fully implement the resolutions, further efforts were needed in regional fisheries management organizations and arrangements. Information was presented on the sufficiency of the measures that had been adopted by RFMOs, including with regard to impact assessments, area closures, encounter protocols and the sustainability of fish stocks. Challenges faced by RFMOs in the implementation of the resolutions were also noted, including lack of scientific information and data, the costs of research activities and the need for greater clarity in definitions and terminology (for example, in respect of what constitutes a VME or a significant adverse impact and in respect of which species are VME indicators).

23. It was suggested that some regional fisheries management organizations and arrangements had been more effective than others in the implementation of the resolutions. Some participants noted differences in the mandates and objectives of RFMOs. It was noted, in particular, that the principal objective of the Convention on the Conservation of Antarctic Marine Living Resources[6] was conservation — including rational use — and that it was unique in being part of the Antarctic Treaty System. Efforts by other RFMOs to modernize, including in response to resolutions 61/105 and 64/72, were also highlighted. Some participants urged RFMOs to modernize their mandates and focus more on conservation. It was noted that some RFMOs were already reviewing the measures that had been taken to protect vulnerable marine ecosystems in light of existing experience and lessons learned.

24. Some participants indicated that implementation of the resolutions was an ongoing gradual process. Other participants emphasized, however, that some of the commitments contained in resolutions 61/105 and 64/72 reflected long-standing obligations already found in existing international instruments, including the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,[7] as well as in Agenda 21[8] and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation").[9]

25. Several participants stressed the need for transparency in the actions taken by regional fisheries management organizations and arrangements with respect to conducting impact assessments, identifying VMEs and adopting and implementing

[6] United Nations, *Treaty Series*, vol. 1329, No. 22301.

[7] Ibid., vol. 2167, No. 37924.

[8] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[9] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

measures to ensure the protection of VMEs. Some participants questioned the comprehensiveness of impact assessments and emphasized the need for RFMOs to make their activities more publicly available and for assessments to be conducted more frequently or on a regular basis. The need to ensure the confidentiality of commercially sensitive data was highlighted, as well as the need to ensure that assessments were properly conducted. It was suggested that the fishing industry would be motivated to produce fisheries information and data in some RFMOs, if doing so would enable new fishing areas to open.

26. Some participants provided information on the actions taken by industry organizations to regulate fisheries and protect vulnerable marine ecosystems in areas where regional fisheries management organizations and arrangements did not exist, including impact assessments, fishing effort and data collection. The role of self-regulation in the fishing industry was noted, although it was emphasized that legally binding regulations were the preferred option. Participants also discussed the need for appropriate incentives for improvement by the fishing industry of compliance with conservation and management measures, such as through the provision of secure fishing rights. Some participants also highlighted the role of consumers in promoting sustainable practices in the fishing industry.

Experience of States and regional fisheries management organizations and arrangements in cooperating to collect and exchange scientific and technical data and information and develop or strengthen data-collection standards, procedures and protocols and research programmes (segment 4)

27. During segment 4, presentations were made by: Mr. Luis López Abellán (Centro Oceanográfico de Canarias, Instituto Español de Oceanografía, Spain); Mr. Pascal Lorance (French Research Institute for Exploitation of the Sea, France); Mr. Robert J. Brock (National Marine Protected Areas Center, National Oceanic and Atmospheric Administration (NOAA), United States of America); Mr. Vladimir Shibanov, Northwest Atlantic Fisheries Organization (NAFO); and Mr. Shingo Ota (NPFC).

28. Information was provided on current efforts to develop standards, procedures and protocols for the identification of vulnerable marine ecosystems, including rugosity analysis and fishing activity incident analysis, as well as the use of, and constraints on, the projection of predictive models from study areas to more extensive areas. Participants also discussed current data and research programmes, including the use of certain data sources for fisheries assessment and management, such as vessel monitoring systems, video surveys, haul-by-haul catch and onboard vessel observations. Current approaches to enhancing cooperation on scientific data and information exchange and the strengthening of data standards were also highlighted. Some participants noted that partnerships between fishers and scientists could be useful in providing commercial data from fishing vessels for scientific purposes.

29. Information was also provided on the experiences of some regional fisheries management organizations and arrangements in data collection and exchange and the dissemination of scientific and technical data and information, including the exchange of best practices and the development of regional standards and

procedures. The view was expressed that data collection should not be conducted primarily by fishing vessels, since fishing gear was not designed for sampling or retaining VME indicator species and ultimately had the potential to adversely impact VMEs. Difficulties in identifying and protecting VMEs through encounter protocols and move-on rules were emphasized. It was suggested that encounter protocols should be applied only in heavily fished areas and that new areas should be subject to full impact assessments, including through video surveys and predictive modelling. The importance of observer coverage and the need to validate data through video monitoring and analysis was noted.

30. Challenges in conducting high-quality science in areas beyond national jurisdiction were discussed, including the high costs of research and the need to prioritize research. The important roles of regional fisheries management organizations and arrangements and the fishing industry in collecting fisheries data were emphasized. Some participants suggested that there was a need to reconcile different approaches to the management of benthic communities, namely, the one based on absolute protection of all benthic communities and the other based on protection only of representative habitats.

Experience of developing States in addressing the impacts of bottom fisheries on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks (segment 5)

31. In segment 5, presentations were made by: Mr. Osvaldo Urrutia (Subsecretaria de Pesca, Chile); Mr. Mario Aguilar (Comisión Nacional de Acuacultura y Pesca, Mexico); Mr. Robert J. Brock (NOAA); and Mr. Andrew Wright (CCAMLR).

32. Several participants described actions that had been taken by developing States to implement the relevant paragraphs of resolutions 61/105 and 64/72 in areas within national jurisdiction, including impact assessments, mapping, area closures, gear restrictions and the development of research programmes. It was emphasized that few developing countries actually engaged in bottom fishing in areas beyond national jurisdiction, as most lacked the necessary capacity, resources, expertise and access to scientific information. The need for increased capacity-building, technical and financial assistance and transfer of technology was thus emphasized. Participants highlighted, in particular, the need to facilitate the participation of developing countries in high-seas fisheries and in regional fisheries management organizations and arrangements, in conformity with international law and consistent with the duty to ensure the conservation and management of those resources. The need for cooperation and full transparency was also highlighted.

33. Participants described particular challenges faced by developing countries in the implementation of resolutions 61/105 and 64/72 and the FAO Guidelines, including in conducting impact assessments, identifying and mapping vulnerable marine ecosystems, developing site-specific scientific information, training observers and ensuring compliance with measures. It was emphasized that the resolutions could create obstacles for the development of new fisheries by developing countries. Reference was made to the recommendations of the FAO Expert Workshop on the Implementation of the International Guidelines for the Management of Deep-sea Fisheries in the High Seas: Challenges and Ways Forward, held in Busan, Republic of Korea, from 10 to 12 May 2010. It was suggested that

these challenges should be taken into account by the General Assembly during its review of the implementation of its resolutions.

34. Some participants discussed the need for improvements in the regulation of fisheries and the protection of vulnerable marine ecosystems by developing States. It was emphasized that ensuring the protection of VMEs should not develop along two different tracks and that all States had a responsibility to implement the resolutions. Issues relating to the development of transparent measures, the role of markets and the importance of science were discussed in this context. Participants also emphasized the importance of establishing financial and technical partnerships among States, regional fisheries management organizations and arrangements and other stakeholders in order to enhance cooperation and develop effective implementation strategies.

35. A number of participants provided information on capacity-building activities, including the provision of research vessels and technical training. It was suggested that a trust fund should be established to assist developing States in undertaking impact assessments required by the resolutions. Some participants also raised the possibility of granting fishing allocations to new developing-country members of regional fisheries management organizations and arrangements. Reference was also made to the Assistance Fund established under Part VII of the Fish Stocks Agreement.

36. Information was presented on the activities undertaken by regional fisheries management organizations and arrangements with a view to providing assistance to developing States, including through scientific scholarships, internship programmes and capacity-building workshops. Additional means of assistance to developing States were described, including reductions in assessed contributions, guaranteed participation in meetings and direct development initiatives.

FAO Programme for Deep-sea High Seas Fisheries (segment 6)

37. During segment 6, a presentation was made by Ms. Jessica Sanders (FAO) and Ms. Merete Tandstad (FAO) on the FAO Programme for Deep-sea High Seas Fisheries, which was aimed at assisting States, specifically developing countries, institutions and regional fisheries management organizations and arrangements in the implementation of the FAO Guidelines. It was noted that the overarching goal of the FAO Programme was to ensure the sustainable use of living marine resources and the protection of marine biodiversity. Information was provided on issues relating to implementation of the FAO Guidelines, including the recommendations of the 2010 Workshop held in Busan, Republic of Korea (see para. 33 above).

38. The components of the FAO Programme were described in detail, including the development of best practices and support tools for the implementation of the FAO Guidelines, area-specific demonstration activities, and global coordination, monitoring and evaluation and dissemination of information. It was noted that FAO was organizing a workshop on the vulnerable marine ecosystem database to be held in December 2011 and that the database would focus on VMEs that had been designated by management authorities. Information was also provided on the current activities of FAO, including the development of a web space on deep-sea issues, species identification guides and a manual on data collection, as well as the organization of regional workshops. It was noted that a new programme was being

developed by FAO, in cooperation with the Global Environment Facility, to promote efficient and sustainable management of fisheries resources and biodiversity conservation in areas beyond national jurisdiction in accordance with agreed global targets.

39. Participants highlighted the important role of FAO in the implementation of the General Assembly resolutions and the FAO Guidelines. The need for priority in the provision of technical assistance to developing States in relation to bottom fisheries was emphasized. Some participants also stressed the need for transparency and inclusiveness in the convening of FAO meetings and workshops. Support for the work of FAO in the development of the vulnerable marine ecosystem database was highlighted and it was suggested that the database should also include information on areas where VMEs were not located. Participants were also encouraged to submit to FAO their list of vessels authorized to fish in areas beyond national jurisdiction.

40. A question was raised regarding whether there was any mandate of FAO concerning marine biodiversity beyond areas of national jurisdiction. It was suggested that programmes of FAO should reflect the work of the Ad Hoc Open-ended Informal Working Group of the General Assembly to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Clarificatory information was provided that indicated that the FAO/Global Environment Facility programme was being developed with other partners that were addressing complementary issues relating to marine biodiversity.

Summary segment

41. During the summary segment, participants noted the usefulness of the Workshop and expressed their gratitude to the Moderator, and to the panellists for the high quality of their presentations. Appreciation was also expressed to the United Nations Secretariat, in particular to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, for the high standard of secretariat services and assistance provided during the planning and organization of the Workshop.

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Sixty-sixth session
Agenda item 42
The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Letter dated 10 November 2011 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly agenda item 42 entitled "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development". In its resolution 65/181 on the International Commission against Impunity in Guatemala, the Assembly requested that I periodically keep it apprised of the work of the Commission and the implementation of the resolution. In keeping with that provision, I wish to inform the Assembly of developments concerning the Commission. On 5 October 2011, the Commission presented its fourth annual report in Guatemala City. Much of the information contained in the present letter is derived from the content of that report.[1]

On 13 January 2011, following an exchange of letters between Guatemalan authorities and the Secretariat, the mandate of the Commission, which was set to expire on 3 September 2011, was extended for an additional two years until 3 September 2013. During this period, the Commission aims to consolidate its activities to fight impunity and dismantle criminal structures that have obstructed the functioning of justice and security institutions.

The Commission is currently staffed by 207 national and international staff representing 23 nationalities, including Guatemala. Not counting the staff in security functions, 61 per cent of the staff of the Commission are men and 39 per cent are women. Since August 2010, the Commission has been headed by Francisco Javier Dall'Anese Ruiz and is currently composed of five units: the Office of the Commissioner, the Investigation and Litigation Unit, the Information and Analysis Unit, the Administration Unit and the Safety and Security Unit.

From September 2010 to August 2011, the Commission received 201 complaints and carried out 62 active investigations. In 20 of these investigations, the Commission acted as the "complementary prosecutor", a figure under Guatemalan law that permits the Commission to participate in judicial proceedings as an

[1] The report may be found, in Spanish, at http://www.cicig.org/uploads/documents/2011/COM-052-20111005-DOC01.pdf.

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independent prosecutor alongside the Office of the Public Prosecutor. Over the past year, verdicts were issued in six emblematic cases in which the Commission was involved. Convictions were achieved in all but one of those cases (former President Alfonso Portillo Cabrera was acquitted of embezzlement charges, a verdict that is being appealed by both the Office of the Public Prosecutor and the Commission).

The Commission has established a productive working relationship with the Office of the Public Prosecutor of Guatemala, its principal national counterpart. The appointment of Claudia Paz y Paz Bailey as Attorney General and head of the Office of the Public Prosecutor in December 2010 contributed to reinforcing a collaborative approach that has started to bear fruit. Since the appointment of the new Attorney General, the Office of the Public Prosecutor has shown practical results in the investigation and criminal prosecution of serious crimes, in relation to cases of drug trafficking, electoral violence and organized crime, as well as major human rights violations committed during the Guatemalan internal armed conflict. In addition, the Commission has been working well with the Ministry of the Interior of Guatemala, allowing for institutional stability during its fourth year of operations.

The relationship between the Commission and the judiciary, however, has experienced some difficulties. The Commission alleges irregular conduct on the part of certain judges, including decisions that had the effect of promoting impunity. As expressed by the Commission, such irregular conduct was not addressed adequately by the judiciary. The Commission has noted that the judiciary faces difficulties when reviewing cases involving the masterminds of serious crimes. More recently, the Commission has engaged in a dialogue with the Supreme Court of Justice with a view to assisting in the improvement of judicial performance. By and large, the media and public opinion has applauded the actions of the Commission in pointing out the deficiencies in the judiciary.

In accordance with its strategic plan for 2011-2013, the Commission is placing a priority on its existing investigations and prosecutions, as well as on institutional strengthening activities with a view to enhancing national capacities to fight impunity. Within the realm of institutional strengthening activities, the Commission will focus on:

(a) Supporting specialized prosecutors;

(b) Creating an international relations office in the Office of the Public Prosecutor;

(c) Strengthening the national Office for the Protection of Victims and Witnesses;

(d) Strengthening the Analysis Unit of the Office of the Public Prosecutor;

(e) Creating a special police unit dealing with criminal investigations;

(f) Strengthening the Special Methods of Investigation Unit, comprised of staff from the national civilian police and the Office of the Public Prosecutor;

(g) Creating a police information platform.

During 2011, the Commission and the Office of the Public Prosecutor established strategies to strengthen investigations and criminal prosecutions. Together with the United Nations Children's Fund (UNICEF), the Commission supported the creation of a section to investigate trafficking in persons, femicide and

violence against women. Together with UNICEF, in December 2010 the Commission published a report entitled "Actors involved in the illegal adoption process in Guatemala since the entry into force of the Adoption Law".[2] The investigation of the Commission into illegal adoptions has led to recent prosecutorial successes.

The Commission has continued to promote institutional and legal reforms intended to strengthen Guatemalan institutions in the fight against crime and impunity. The Guatemalan legislature, however, has made slow progress over the past year in the approval of the legislative proposals formulated by the Commission, although some initiatives supported by the Commission, such as the Law on Asset Seizures and the Law Regulating Private Security Services, were approved by Congress. The Commission considers paramount the approval of a package of legal reforms to the Penal Code to fight corruption, as well as reforms to the Organic Law on the Office of the Public Prosecutor. The Commission is also closely following the proposals for constitutional reform in the areas of justice and security and is providing recommendations with a view to guaranteeing judicial independence.

On 6 November 2011, Guatemalans elected Otto Pérez Molina as their next President in a run-off election. The President-elect, who will take office in January 2012, has expressed his commitment to working closely with the Commission and to supporting the process of reform in rule of law institutions, including respecting the mandated term of the Attorney General, who is widely perceived to have made improvements.

As the Commission is a joint initiative of the United Nations and the State of Guatemala, collaboration with Guatemalan authorities in the implementation of the Commission's mandate is an indispensable element in achieving success in the fight against impunity. It is important for Guatemala to strengthen its justice and security sectors, including with reinforced budgetary support.

One of the major achievements of the Commission has been to promote the notion that professional investigations and prosecutions can be effective and deliver justice. Over the four years of the Commission's existence, there has been a groundswell of public support in Guatemala for improvements in the justice and security sectors. At the same time, the successes of the Commission have also engendered a degree of opposition and criticism. Recent reforms and improvements in the prosecution of major crimes in Guatemala suggest that the Commission is making a positive contribution to the strengthening of national institutions.

The United Nations is also supporting efforts to guarantee human rights and strengthen the security and justice systems in Guatemala through a $10 million contribution from the United Nations Peacebuilding Fund. National Guatemalan institutions, United Nations agencies and programmes, the Commission and civil society organizations are all collaborating in the design of projects financed by these funds.

Just as the commitment of national authorities and institutional counterparts is essential to meeting the Commission's objectives, so too is the ability of the Commission to operate effectively and with adequate resources. The Secretariat is grateful for the financial, in kind and political support that Member States have

[2] http://www.cicig.org/uploads/documents/adoptionsreport_CICIG2010.pdf.

provided to the Commission. During its current extended mandate, however, the Commission is facing budgetary difficulties that will force it to reduce its size and operations at a time when its effective support to Guatemalan institutions is most needed.

The Commission has an annual budget of $20 million. Given recent reductions in the contributions from donors, the Commission has been obliged to prepare a revised $15.4 million budget, which it views as the minimum amount to enable it to carry out its core work. The budget reduction necessitates a cut in both personnel and ongoing activities. To reach the $15.4 million funding level, between now and September 2013 the Commission will require additional contributions in the amount of $6.5 million.

In keeping with operative paragraph 3 of resolution 65/181, I urge Member States to continue their support for the Commission, thereby allowing it to effectively achieve its objectives of transferring capacities to national institutions and strengthening the ability of Guatemala to fight impunity and criminal structures.

The Secretariat backs the Commission's important efforts to strengthen the rule of law in Guatemala. At United Nations Headquarters, as well as in the field, collaboration between the Commission and the United Nations is strong. I hope that we will be able to renew the partnership between the Commission, the United Nations, the State of Guatemala and other Member States to ensure the effective consolidation of this initiative.

(*Signed*) **BAN** Ki-moon

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Financing of the United Nations Peacekeeping Force in Cyprus

Budget performance of the United Nations Peacekeeping Force in Cyprus for the period from 1 July 2010 to 30 June 2011

Report of the Secretary-General

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Summary

The total expenditure for the United Nations Peacekeeping Force in Cyprus (UNFICYP) for the period from 1 July 2010 to 30 June 2011 has been linked to the Force's objective through a number of results-based-budgeting frameworks, grouped by components, namely, political and civil affairs, military, United Nations police and support.

Performance of financial resources

(Thousands of United States dollars. Budget year is from 1 July 2010 to 30 June 2011.)

			Variance	
Category	*Apportionment*	*Expenditure*	*Amount*	*Percentage*
Military and police personnel	24 249.2	23 057.8	1 191.4	4.9
Civilian personnel	15 682.6	15 575.7	106.9	0.7
Operational costs	16 393.9	17 110.9	(717.0)	(4.4)
Gross requirements	**56 325.7**	**55 744.4**	**581.3**	**1.0**
Staff assessment income	2 555.7	2 577.8	(22.1)	(0.9)
Net requirements	**53 770.0**	**53 166.6**	**603.4**	**1.1**
Voluntary contributions in kind (budgeted)	1 830.6	1 562.1	268.5	14.7
Total requirements	**58 156.3**	**57 306.5**	**849.8**	**1.5**

Human resources incumbency performance

Category	*Approved*[a]	*Actual (average)*	*Vacancy rate (percentage)*[b]
Military contingents	860	856	0.5
United Nations police	69	66	4.3
International staff	39	37	5.1
National staff	113	111	1.8

[a] Represents the highest level of authorized strength.

[b] Based on monthly incumbency and approved monthly strength.

The actions to be taken by the General Assembly are set out in section V of the present report.

I. Introduction

1. The budget for the maintenance of the United Nations Peacekeeping Force in Cyprus (UNFICYP) for the period from 1 July 2010 to 30 June 2011, set out in the report of the Secretary-General of 18 January 2010 (A/64/629), amounted to $57,040,000 gross ($54,472,600 net), exclusive of budgeted voluntary contributions in kind in the amount of $1,830,600. It provided for 860 military contingent personnel, 69 United Nations police officers, 40 international staff (including 1 temporary position), 113 national staff and 1 United Nations Volunteer.

2. In paragraph 35 of its related report of 25 March 2010 (A/64/660/Add.5), the Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly appropriate the amount of $56,894,600 gross for the maintenance of the Force for the period from 1 July 2010 to 30 June 2011.

3. The General Assembly, by its resolution 64/274, appropriated the amount of $56,325,700 gross ($53,770,000 net) for the maintenance of the Force for the period from 1 July 2010 to 30 June 2011. The appropriated amount included voluntary contributions from the Government of Cyprus, in the amount of $18,954,592, equivalent to one third of the net appropriation, and $6.5 million from the Government of Greece. The amount of $34,304,608 gross ($31,466,108 net) has been assessed on Member States.

II. Mandate performance

A. Overall

4. The mandate of UNFICYP was established by the Security Council in its resolution 186 (1964) and extended by the Council in subsequent resolutions. The mandate for the reporting period was provided by the Council in its resolutions 1930 (2010), 1953 (2010) and 1986 (2011).

5. The Force is mandated to help the Security Council achieve an overall objective, namely, to ensure peace and security in Cyprus and the return to normal conditions.

6. Within this overall objective, UNFICYP has contributed to a number of accomplishments during the reporting period by delivering related key outputs, shown in the frameworks below, which are grouped by political and civil affairs, military, United Nations police and support components.

7. The present report assesses actual performance against the planned results-based-budgeting frameworks set out in the 2010/11 budget. In particular, the report compares the actual indicators of achievement, that is, the extent to which actual progress has been made during the period against the expected accomplishments, with the planned indicators of achievement, and the actual completed outputs with the planned outputs.

B. Budget implementation

8. In fulfilling its mandate, UNFICYP continued to apply an integrated approach in carrying out its tasks, which was based on close cooperation between the civil affairs, military and police components of the Force. Efforts were focused on maintaining the stability of the buffer zone, in particular on managing civilian activities, which continued to intensify. To that end, coordination arrangements were implemented with the relevant authorities to address unauthorized construction activities in the buffer zone.

9. In addition to fulfilling its peacekeeping mandate, UNFICYP provided substantive, administrative and logistical support to the political process. The Special Representative of the Secretary-General and Chief of Mission of UNFICYP, in her capacity as the Deputy Special Adviser to the Secretary-General on Cyprus, coordinated the provision of assistance by the Force to the Secretary-General's good offices mission. The Chief of Mission chaired meetings between the two Cypriot leaders and their representatives in the absence of the Special Adviser from the island. Staff of UNFICYP continued to act as facilitators of meetings at the level of working groups and technical committees to discuss substantive and day-to-day issues affecting both communities.

10. As in the previous period, UNFICYP utilized regularly scheduled commercial flights for the rotation of military contingent personnel, which had proven to be more cost-effective than charter flights.

C. Mission support initiatives

11. During the reporting period, UNFICYP implemented various service improvements in the areas of asset management, facilities and infrastructure, ground transportation, personnel and communications and information technology. A reduction in the percentage of the value of spare parts holdings to the total value of information technology assets from 5 per cent to 1 per cent was achieved as a result of the implementation of regional communications and information technology services and the acquisition of spare parts through the use of just-in-time contracts. The duration of the selection process for national staff decreased from 94 days to 74 days. In addition, there was an increase in the frequency of the provision of reports on the movement of assets to concerned organizational units from a quarterly basis to a monthly basis and a decrease in the interval related to the identification and recording of "assets not found" on the Galileo asset management system from a maximum of nine months to a maximum of three months. However, the target of reducing the number of traffic accidents/incidents involving UNFICYP vehicles was not achieved as the actual number was slightly higher than expected (actual 5 per cent compared to the planned 4 per cent).

D. Regional mission cooperation

12. UNFICYP continued its cooperation with the United Nations entities in the region, including the United Nations Interim Force in Lebanon (UNIFIL), the United Nations Disengagement Observer Force (UNDOF) and the United Nations Truce Supervision Organization (UNTSO). The Force also continued to exchange

technical expertise in the field of communications and information technology and sharing the communications hub at Camp Ziouani with UNDOF, UNIFIL and UNTSO. In addition, the Regional Conduct and Discipline Team and the Regional Oversight Office, which are based in UNIFIL, provided their full support to UNFICYP.

13. UNFICYP continued its close cooperation with the United Nations Development Programme (UNDP) and the European Union in the framework of demining and other activities, including bicommunal and humanitarian activities, civil society group events and joint infrastructure projects on the island. In addition, UNFICYP continued to provide support to the Committee on Missing Persons.

14. The Force is the focal point for administrative place of assignment in respect of international staff and their dependants serving United Nations entities in Yemen. Furthermore, UNFICYP is the designated primary "safe haven" for staff and dependants of United Nations peacekeeping missions, agencies, funds and programmes in Egypt, Jordan, Lebanon, Saudi Arabia, the Syrian Arab Republic, and Gaza. In this connection, on 3 February 2011, UNFICYP was involved in the evacuation and relocation of 325 United Nations staff and their dependants from Egypt to Cyprus.

E. Results-based-budgeting frameworks

Component 1: political and civil affairs

15. Pursuant to Security Council resolution 1898 (2009), the activities of the Force focused on creating conditions conducive to the ongoing political negotiations for a Cyprus settlement. In this regard, the Force continued to facilitate the resolution of conflicts in various fields between the two communities, promoted the increase of mutual dialogue and cooperation through bicommunal activities and supported the opening of an additional crossing point and other confidence-building measures, such as demining and military "de-confrontation". While UNFICYP strived to achieve progress towards normal living conditions in the buffer zone, it continued to take effective measures against unauthorized use of the area and to provide humanitarian assistance to members of both communities, as and when required. In addition, the Force assisted the good offices efforts through the Special Representative of the Secretary-General/Chief of Mission, as the principal adviser and deputy to the Special Adviser of the Secretary-General on Cyprus, focusing on the full-fledged negotiations between the Greek Cypriot and Turkish Cypriot leaders. Furthermore, UNFICYP provided substantive and logistical assistance to the Special Adviser of the Secretary-General, including the facilitation of meetings of the technical committees, working groups and other expert groups, which continued to hold bicommunal discussions on matters of common concern and core issues that affect both communities. To that end, the Force continued to designate political and civil affairs staff to act as facilitators and to extend the assistance of its public information personnel. In addition, UNFICYP also participated in contingency planning in relation to the settlement of the Cyprus issue, in accordance with Security Council resolution 1898 (2009).

Expected accomplishment 1.1: Improved relations between Greek Cypriot and Turkish Cypriot communities

Planned indicators of achievement	*Actual indicators of achievement*
Increase in the number of crossing points between the north and the south of the buffer zone (2008/09: 7; 2009/10: 7; 2010/11: 9)	A total of seven crossing points, including the Limnitis/Yeşilirmak crossing point, which opened in October 2010
Increase in the number of bicommunal contacts under United Nations facilitation (2008/09: 165; 2009/10: 198; 2010/11: 180)	Achieved; 220 bicommunal contacts under United Nations facilitation
Increase in the number of joint projects agreed in the technical committees and implemented by the two sides (2008/09: 3; 2009/10: 1; 2010/11: 15)	Achieved; a total of 16 joint projects agreed and implemented
All incidents related to farming, construction, provision of utilities, traffic and display of national flags in the mixed village of Pyla are resolved immediately at the local level before they escalate to the political level	Achieved; no incident escalated to the political level
Increase in the bicommunal activities in the mixed village of Pyla (2008/09: 6; 2009/10: 2; 2010/11: 17)	A total of 12 activities were undertaken with the two communities in the mixed village of Pyla; incidents in the buffer zone led to tensions between the two communities, which resulted in the lower number of joint activities
Increased public awareness of the profile of the Force and its role in creating conditions to promote the political process through a full range of communications products and promotional/commemorative events	Achieved; daily liaison with local and international media regarding the activities of UNFICYP and the peace process, coordination of media coverage of the activities of UNFICYP and the good offices mission, press visits and the accompanying of media teams in the buffer zone, maintenance of two websites (for UNFICYP and the good offices mission) and the publication of a magazine on UNFICYP and the good offices mission every other month

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Facilitation of continuous contact at the highest level with key players on both sides on various matters of contention between the sides	Yes	Through 30 meetings
Facilitation of the negotiation process under the auspices of the Secretary-General's good offices, including the provision of confidence-building initiatives	Yes	Through 36 meetings between the leaders, 58 meetings between the representatives of the leaders, including 19 separate meetings with their representatives, and 55 meetings at various political levels

Facilitation of the administrative and logistical functions of the technical committees on cultural heritage, crime/criminal matters, the environment and health	Yes	For the technical committee on crime/criminal matters only; facilitation of the technical committees on cultural heritage, environment and health was transferred to the good offices mission
Provision of assistance for the implementation of decisions of the technical committees and working groups	No	The non-completion of the output resulted from the attribution of the output to the good offices mission of the Secretary-General
Daily liaison with relevant authorities on both sides of the buffer zone with a view to facilitating contacts regarding farming, construction, security and policing	Yes	Through 550 daily meetings, daily telephone calls and correspondence with the relevant authorities
Daily liaison with guarantor powers and other Member States on the implementation of the mandate of the Force	Yes	Through 850 contacts with representatives of the five permanent members of the Security Council, guarantor Powers and other concerned Member States
Weekly liaison with the Committee on Missing Persons on the identification and return of the remains of missing persons	Yes	Through 36 contacts with the third member of the Committee on Missing Persons
Implementation of a public information and communications strategy as part of broader efforts to improve relations between the communities and to promote the role of civil society and support the efforts of the good offices mission, including 260 media monitoring reports, 64 situation/media summaries, 4,600 media monitoring translations, 1,000 briefings, organization of weekly press stakeouts and interviews of the Special Adviser/Special Representative in connection with the meetings of the leaders	365	Media monitoring reports
	50	Situation/media summaries
	5 200	Translations of media articles from Greek and Turkish newspapers
	1 500	Briefings/contacts/correspondences
	90	Media events
	180	Advisories, announcements, press releases and transcripts on the peace process
	180	Media encounters, escorting television crews, radio and print reporters
	7	Outreach events (International Day of Peace candle vigil, Peace Concert, United Nations Day reception, World AIDS Day, World Water Day, International Day of Peacekeepers and World Environment Day)
	1	Documentary video on UNFICYP
	6	Issues of *The Blue Beret* magazine
		Photographic coverage of 250 official United Nations events in Cyprus
	53 277	Visits from 171 countries/territories to the UNFICYP website

		In addition: development and maintenance of the good offices website
	6 648	Visits from individuals in 118 countries to the UNFICYP website
Facilitation of bicommunal activities, including monthly events for schoolchildren during the school year, bringing together the two communities residing in the village of Pyla	Yes	Through 12 activities with the two communities in the mixed village of Pyla
		In addition: eight bicommunal activities with the Turkish Cypriot community of Louroujina and the Greek Cypriot community of Atheniou

Expected accomplishment 1.2: Progress towards normal living conditions in the United Nations buffer zone and for Greek Cypriots and Maronites in the north and Turkish Cypriots in the south

Planned indicators of achievement	*Actual indicators of achievement*
No unauthorized commercial and residential construction outside civilian use areas in the buffer zone (2008/09: 1; 2009/10: 6; 2010/11: 0)	Six unauthorized attempts at commercial and residential construction activities reported, of which three cases were resolved and three remain unauthorized
All complaints received from the recipients of humanitarian assistance on both sides are resolved	Achieved; no complaints received on the role of UNFICYP in supporting the delivery of humanitarian assistance

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Daily intercession with the authorities on the resolution of educational, cultural, religious and other issues of the communities on both sides	Yes	Forty requests were received for the holding of religious and commemorative events, 28 of which were authorized and attended by approximately 9,025 persons
		In addition: 30 requests received on cultural, educational and humanitarian issues
Daily meetings with local authorities in compliance with UNFICYP requirements on the civilian use of the buffer zone	940	Meetings on civilian activity in the buffer zone, comprising 550 with local and district authorities and 390 with private individuals and community groups from both sides of the buffer zone
Weekly humanitarian visits to Greek Cypriots in the Karpas area and to Maronites in the north	152	Humanitarian visits, comprising 12 money runs, 76 deliveries of humanitarian supplies and 64 home visits to the Greek Cypriots and Maronites living in the north
Weekly humanitarian meetings with Turkish Cypriots in the south to assist in obtaining identity documents, housing, welfare services, medical care, employment and education, as well as in the facilitation of bicommunal activities	54	Meetings with members of the Turkish Cypriot community and/or with local welfare, education or housing authorities

Provision of legal advice to both parties on issues related to the implementation of the mandate and the European Union Community *acquis*	Yes	Through legal advice/opinions on 76 issues related to the implementation of the UNFICYP mandate in the buffer zone and its surrounding areas

Component 2: military

16. In accordance with the mandate of UNFICYP, the military component focused its activities on the development and delivery of the operational capabilities and requirements needed to support and enhance its mandate of ensuring continued stability, thus creating the conditions necessary for meaningful and lasting political discussions to take place. In conjunction with the other components, the military component continued to carry out its tasks related to the maintenance of the ceasefire and the integrity of the United Nations buffer zone through the mobile-patrolling concept, the provision of support on confidence-building measures, the reduction in tension between the opposing forces and the equitable application of the rules governing access to and use of the buffer zone. In addition, the military component supported, wherever feasible, the good offices mission of the Secretary-General and other United Nations entities involved in the peace process.

Expected accomplishment 2.1: Maintenance of the ceasefire and the integrity of the United Nations buffer zone

Planned indicators of achievement	*Actual indicators of achievement*
Reduction in the number of ceasefire violations (2008/09: 778; 2009/10: 946; 2010/11: 720)	Achieved; 377 violations occurred in 2010/11
Increase in the number of authorized civilian activities within the buffer zone (2008/09: 1,590; 2009/10: 1,766; 2010/11: 1,880)	Achieved; 1,951 civilian activities authorized

Planned outputs	*Completed (number or yes/no)*	*Remarks*
74,874 mobile troop patrol days, comprising 73,730 troop patrol days (2 troops per patrol x 101 patrols per day x 365 days), 1,040 troop patrol days jointly with United Nations police (2 troops per patrol x 10 patrols per week x 52 weeks) and 104 troop patrol days jointly with the Sector Civil Affairs Team (1 troop per patrol x 2 patrols per week x 52 weeks)	77 120	Comprising 67,160 mobile troop patrol days, joint mobile patrol and United Nations Protected Area patrol days (2 troops per patrol x 92 patrols per day x 365 days); 1,308 troop patrol days in lieu of air patrols (2 troops per patrol x 2 patrols per day x 3 sectors x 109 days); 7,300 United Nations Protected Area patrol days (2 troops per patrol x 10 patrols per day x 365 days); 832 troop patrol days jointly with United Nations police (2 troops per patrol x 8 patrols per week x 52 weeks); and 520 troop patrol days jointly with the Sector Civil Affairs Team (2 troop per patrol x 5 patrols per week x 52 weeks)

		The higher output resulted from an increase in unauthorized construction activities in the buffer zone and additional mobile troop patrols in lieu of air patrols when one Bell 212 helicopter was not operational
9,125 military observer and liaison group mobile patrol days, comprising 4,015 patrol days in sector 1 (11 troops per patrol x 365 days), 1,095 patrol days in sector 2 (3 troops per patrol x 365 days) and 4,015 patrol days in sector 4 (11 troops per patrol x 365 days)	9 048	Comprising 2,184 patrol days in sector 1 (3 troops per patrol x 14 patrols per week x 52 weeks); 2,808 patrol days in sector 2 (3 troops per patrol x 18 patrols per week x 52 weeks); 4,056 patrol days in sector 4 (3 troops per patrol x 26 patrols per week x 52 weeks)
9,125 operational duty troop days in 6 camp areas, comprising 3,285 troop days in Camp Saint Martin, Wolseley Barracks and Camp Szent István (3 troops per post x 3 posts x 365 days), 1,460 troop days in Roca Camp and Camp General Stefanik (2 troops per post x 2 posts x 365 days) and 4,380 troop days in the United Nations Protected Area (12 troops per post x 365 days)	9 125	Operational duty troop days
9,855 permanent observation post troop days (1 soldier per post x 9 posts x 3 shifts x 365 days)	9 855	Permanent observation post troop days
365 daylight observation post troop days (1 soldier per post x 365 days)	365	Daylight observation post patrol days
21,900 troop days to maintain security of United Nations installations in 6 camp areas, comprising 2,920 troop days in Camp Saint Martin and Roca Camp (2 troops per post x 2 posts x 2 shifts x 365 days), 7,300 troop days in Wolseley Barracks (10 troops x 2 shifts x 365 days), 4,380 troop days in Camp General Stefanik and Camp Szent István (3 troops per post x 2 posts x 2 shifts x 365 days) and 7,300 troop days in the United Nations Protected Area (10 troops x 2 shifts x 365 days)	21 900	Troop days
1,320 air support and patrol hours covering the full length of the buffer zone	1 048	Air support and patrol hours The lower output resulted from the unavailability of the Bell 212 helicopter from March 2011, owing to technical problems, which resulted in the lower number of aviation patrols
5,995 daily liaison contacts with opposing forces at all levels on buffer zone-related issues, comprising 520 contacts at UNFICYP headquarters (2 contacts x 5 days per week x 52 weeks) and 5,475 contacts at the sector level (15 contacts x 365 days)	5 995	Daily liaison contacts

53,290 troop platoon-size quick reaction reserve days (25 troops per platoon x 3 platoons x 365 days with 2 hours' notice to move; 26 troops per platoon x 2 platoons x 365 days with 2 hours' notice to move; 3 troops x 2 sections x 365 days; 3 troops x 1 helicopter x 365 days with 45 minutes' notice to move; 2 Force military police per patrol x 5 patrols x 365 days)	53 290	Troop platoon-size quick reaction days
Daily monitoring of the buffer zone (by closed circuit television systems, target location systems, a global positioning system and night observation capability)	Yes	
2,785 troop support days, comprising 1,125 support days to United Nations agencies, funds and programmes, the good offices and other actors engaged in confidence-building, reconciliation and humanitarian matters (25 troops x 45 events), 350 support days for official events (25 troops x 14 events) and 1,310 support days for military assistance at social events, including pilgrims' activities, demonstrations during anniversaries and bicommunal meetings	2 560	Troop support days comprising 900 support days to meetings of the two leaders (25 troops x 36 events)
	350	Troop support days for official events
	1 310	Support days for military assistance at social events
Maintenance of 9 kilometres of minefield fencing and the removal of up to 3 kilometres of fencing once the minefields are cleared	14	Kilometres of minefield fencing maintained
	16	Kilometres of fencing removed from cleared minefields
160 demining assistance troop days for the safety of third-party demining teams and for the provision of security and liaison assistance (4 troops x 40 days)	55	Demining assistance troop days (5 troops x 11 days) The lower output resulted from the termination of the operations of the United Nations Mine Action Centre in Cyprus in February 2011

Component 3: United Nations police

17. In line with the mandate of the Force, the police component continued to enhance the development of policing strategies that promoted trust between the two communities within the UNFICYP framework on the civilian use of the buffer zone. In support of this endeavour, the police component strengthened their support to the other components by enhancing their patrol capabilities through strategies based on contemporary policing methodologies. The Force continued to build on its existing relationships with police authorities from both sides, various entities dealing with environmental issues, game wardens from Cyprus and representatives of non-governmental organizations from both sides to develop anti-crime strategies and, where necessary, facilitate the investigation of crimes committed in the buffer zone. United Nations police continued to explore ways to promote cooperation between police authorities from both sides regarding the criminal activities that affect the two communities. In addition, United Nations police continued to provide support on confidence-building measures to the Secretary-General's good offices mission and supported the operation related to the opening of the Limnitis Yeşilirmak crossing point in October 2010.

Expected accomplishment 3.1: Enhanced law enforcement in the United Nations buffer zone

Planned indicators of achievement	*Actual indicators of achievement*
Increase in the number of incidents/violations reported as a result of increased preventive measures (2008/09: 436; 2009/10: 226; 2010/11: 575)	177 violations reported in 2010/11 compared to 226 reported in 2009/10; the lower number of incidents resulted mainly from proactive prevention measures by United Nations police and military patrols
Increase in the number of people crossing from both sides without incidents of violations (2008/09: 2 million; 2009/10: 2.2 million; 2010/11: 2.4 million)	1.74 million crossings (669,838 to the north, 1,074,324 to the south); the lower number of crossings to the south resulted mainly from fewer employment opportunities that stemmed from the economic crisis

Planned outputs	*Completed (number or yes/no)*	*Remarks*
5,840 United Nations police patrol days (2 officers x 8 police stations x 365 days)	10 067	United Nations police patrol days (on average) (2 officers x 9 police stations between 2 to 16 patrols per day) The higher output resulted from increased patrolling in some areas following reports of criminal activities and farming disputes
3,900 United Nations police days of humanitarian assistance to Greek Cypriots and Maronites in the north, Turkish Cypriots in the south and both communities in the buffer zone (15 police officers x 5 days per week x 52 weeks)	3 900	United Nations police days
52 United Nations police days (1 police officer per week x 52 weeks) for the weekly collection of crossing-point figures	52	United Nations police days
728 United Nations police days for the opening of the new crossing point at Limnitis Yeşilirmak (2 police officers per day x 7 days per week x 52 weeks)	1 016	United Nations police days, comprising 578 police days (2 police officers x 289 days) for police escorts of Turkish Forces between Kokkina and Limnitis and 438 police days (2 police officers x 219 days) for crossing point monitoring

Component 4: support

18. During the reporting period, the support component of the Force provided efficient and effective, logistic, administrative and security in support of the implementation of the mandate of the Force through the delivery of related outputs and the introduction of service improvements, as well as the realization of efficiency gains. Support was provided to the average strength of 856 contingent personnel and 66 United Nations police as well as to the civilian establishment of 37 international staff and 111 national staff. The range of support comprised all support services, including HIV/AIDS programmes, personnel administration, finance services, health

care, the upgrading of troop accommodation facilities, communications and information technology, air and surface transportation, supply and resupply operations, as well as the provision of security services Force-wide.

Expected accomplishment 4.1: Effective and efficient logistical, administrative and security support to the mission

Planned indicators of achievement	*Actual indicators of achievement*
Reduction in the percentage of the value of spare parts holdings to the total value of information and communications technology assets through the implementation of the regionalization initiative on information and communications technology (2008/09: 7.5 per cent; 2009/10: 7.5 per cent; 2010/11: 5 per cent)	Achieved; 1 per cent of the total value of spare parts holdings to the total value of communications and information technology assets, resulting from the regionalization initiative and the acquisition of spare parts through the use of just-in-time contracts
Reduction in the average duration of the selection process of national staff from an average of 94 days to an average of 70 days (2008/09: 120 days; 2009/10: 94 days; 2010/11: 74 days)	Achieved; 74 days in 2010/11 compared to 94 days in 2009/10
Reduction in the number of traffic accidents/incidents involving UNFICYP vehicles (2008/09: 6 per month; 2009/10: 6 per month; 2010/11: 4 per month)	Average of five accidents per month compared to six accidents per month in 2009/10
Reduction in the average interval between the recording of the discrepancy in the Galileo system for assets "not found" and the initiation of write-off action (2008/09: 12 months; 2009/10: 9 months; 2010/11: 3 months)	Achieved; reduction in the average interval to three months in 2010/11 compared to nine in 2009/10
Increase in the frequency of the provision of reports on the movements of assets (within the sector) (2008/09: every 6 months; 2009/10: every 3 months; 2010/11: monthly)	Achieved; monthly recording, analysis and updating of movements of assets in 2010/11 compared to every 3 months in 2009/10

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Service improvements		
Introduction of enhanced spare parts management practices (regional spare parts holding), including tracking of consumption patterns for fast- and slow-moving stocks	Yes	Including the receipt of satellite transceivers from UNTSO and communications telephone spare parts and licences from UNIFIL and the implementation of minimum stock levels and automatic notification of fast-moving items
Identification of vacancies with a lead time of six months from the anticipated date of vacancy to shorten the recruitment and selection process	Yes	Lead time of 3.7 months in 2010/11

Implementation of an ongoing road safety programme and driver testing for United Nations personnel	Yes	Through the implementation of road safety initiatives, including poster campaigns, safe driving competitions, driving skills training, off-road training and rotational road safety campaigns, based on the analysis of recurring issues
Implementation of a follow-up action system that ensures assets "not found" during the year are handled in a timely manner	Yes	Through the generation of follow-up notifications and reports from the Galileo system every two weeks
Implementation of monthly "movement of assets" reports to ensure a current and more accurate inventory database, in particular the movement of assets within the individual sectors and the United Nations Protected Area, where assets are sent for repair and maintenance	Yes	Through the transmittal of asset relocation forms to concerned organizational units on a monthly basis and the related update of the inventory database
Military, police and civilian personnel		
Emplacement, rotation and repatriation of 860 military contingent personnel and 69 United Nations police officers	856	Military contingent personnel (average strength)
	66	United Nations police officers (average strength)
Verification, monitoring and inspection of 39 contingent-owned vehicles and self-sustainment for military personnel	Yes	Through monthly verification in the mission area and the submission of verification reports to Headquarters on a quarterly basis; and the conduct of two major inspections
Storage, quality assurance and supply of rations, reserve packs and water for 812 military contingent personnel in 6 military locations (excluding 48 staff officers)	Yes	For an average of 812 military contingent personnel (excluding staff officers)
Administration of 152 civilian staff, comprising 39 international staff and 113 national staff	37	International staff (average strength)
	111	National staff (average strength)
Implementation of a conduct and discipline programme for all military, police and civilian personnel, including training, prevention, monitoring and recommendations on remedial action where misconduct has occurred	Yes	Through nine training sessions for 247 UNFICYP personnel (152 military personnel, 49 United Nations police officers and 46 civilian personnel)
Facilities and infrastructure		
Maintenance and repair of the Force headquarters, 17 military facilities and 8 United Nations police facilities, including the successful completion of up to 8,000 Integrated Support Services requests	Yes	Through the processing of a total of 8,702 requests. The higher output resulted from tighter controls on the submission of requests for services
Operation and maintenance of 76 United Nations-owned water purification units in all headquarters and the sector 4 locations	76	United Nations-owned water purification units

Sanitation services for all premises, including sewage and garbage collection and disposal	Yes	
Operation and maintenance of 86 generators	85	Generators
Supply of 153,000 litres of diesel fuel, 190,000 litres of heating fuel, oil and lubricants for generators	146 741	Litres of diesel fuel
	219 404	Litres of heating fuel
		The higher output for heating fuel was attributable to the prolonged winter season
Maintenance and repair of up to 78 kilometres of patrol tracks	96	Kilometres of patrol tracks
		The higher output resulted from the refurbishment of additional patrol tracks
Maintenance of 23 helipads in accordance with International Civil Aviation Organization standards	21	Helipads
Construction of a high voltage substation in the United Nations Protected Area	Yes	Construction of three buildings for new high-voltage substations completed
Ground transportation		
Maintenance and operation of 344 vehicles, including 9 armoured vehicles (103 United Nations-owned, 39 contingent-owned and 202 rented vehicles)	345	Vehicles (104 United Nations-owned, 39 contingent-owned and 202 rented vehicles)
Supply of 70,000 litres of petrol, 880,000 litres of diesel fuel, oil and lubricants	63 985	Litres of petrol
	857 074	Litres of diesel fuel
Air transportation		
Operation and maintenance of 3 helicopters (including 1 provided at no cost as reserve to replace either of the 2 helicopters during maintenance and other periods of downtime)	3	Helicopters (including 1 provided at no cost as reserve to replace either one of the two helicopters during maintenance)
Supply of 240,000 litres of aviation fuel	167 411	Litres of aviation fuel
		The lower amount was attributable to the lower number of hours flown (actual 1,048 against the planned 1,320)
Communications		
Support and maintenance of the communications network, consisting of 3 satellite Earth stations, 11 private automatic branch exchange (PABX) telephone systems, 16 repeaters, 319 mobile radios, 275 handheld radios, 11 wideband digital microwave links and 15 narrowband digital microwave links	3	Satellite Earth stations
	8	PABX telephone exchanges
	16	Repeaters
	319	Mobile stations
	275	Handheld radios

	26	Wideband digital microwave links
	3	Narrowband digital microwave links
		The variances in the number of digital microwave links resulted from the shift from narrowband to wideband equipment
Information technology		
Support and maintenance of the information technology network, consisting of 1 local-area network (LAN) at UNFICYP headquarters and 6 wide-area networks (WAN), 378 desktops, 45 laptops, 94 printers (including 36 network printers) and 16 servers	1	LAN
	6	WANs
	378	Desktop computers
	45	Laptop computers
	94	Printers
	14	Servers
Support and maintenance of all critical mission software applications	Yes	
Support and maintenance of the wireless area network	Yes	
Medical		
Operation, maintenance and management of 6 level-I medical facilities (2 contingent-owned hospitals and 4 United Nations-owned medical facilities)	6	Level-I medical facilities
Maintenance of mission-wide land and air evacuation arrangements with medical facilities in the north and south, including level-I hospitals at all United Nations locations	Yes	Through six United Nations-owned medical facilities, four external level-II facilities, two external level-III facilities, two external level-IV facilities and two external pharmacies
Training of voluntary confidential counselling and testing counsellors within the Force and establishment of HIV voluntary confidential counselling and testing facilities for all mission personnel	No	The non-completion of the output resulted from the lack of trained counsellors within the Force
HIV sensitization programme, including mandatory induction training for all new personnel, refresher training and peer education for all mission personnel	Yes	Through sensitization programmes and mandatory induction training for 925 military personnel, 50 United Nations police officers and 4 civilian personnel; two peer education training sessions for 15 military personnel, 4 United Nations police officers and 2 civilian personnel; the organization of a World AIDS Day event; and the launching of a UN Cares "Stigma fuels HIV" campaign

Security

Submission of security incident reports, as they occur, and of quarterly reports and returns, including quarterly incident reports, staff lists and briefing notes, as required, to the Department of Safety and Security	4	Quarterly staff lists
	4	Quarterly briefing notes
	4	Quarterly demobilization and reintegration office tracking matrix reports
	12	Monthly security and incidents reports
Biannual update of the country-specific security plan, security risk assessments and minimum operating security standards	Yes	Through the revision of the security plan and the update of the risk assessment plan; the review of the minimum operating security standards was postponed to the 2011/12 period
Conduct of annual warden training and security-related tabletop exercises	Yes	Through the revision of the warden system and the conduct of a warden training session
Investigation of security incidents and provision of advice to mission personnel and their dependants, and to the personnel of 6 United Nations agencies, funds and programmes	Yes	Through the monthly production and distribution of security and crime summaries to other United Nations entities
Provision of security advice and coordination, and issuance of identification cards for all personnel of United Nations agencies operating in Cyprus	Yes	Through weekly briefings on security developments in Cyprus and the region and the issuance of identity cards to all United Nations personnel
Management, monitoring and supervision of 3 access-control systems at all UNFICYP sites throughout the area of operation	3	Access control systems
Induction security training for all new mission staff	Yes	10 induction security training sessions for 124 military personnel, 91 United Nations police officers and 9 civilian personnel

III. Resource performance

A. Financial resources

(Thousands of United States dollars. Budget year is from 1 July 2010 to 30 June 2011.)

			Variance	
	Apportionment	*Expenditure*	*Amount*	*Percentage*
Category	*(1)*	*(2)*	*(3)=(1)-(2)*	*(4)=(3)/(1)*
Military and police personnel				
Military observers	—	—	—	—
Military contingents	21 072.6	20 347.6	725.0	3.4
United Nations police	3 176.6	2 710.2	466.4	14.7
Formed police units	—	—	—	—
Subtotal	**24 249.2**	**23 057.8**	**1 191.4**	**4.9**
Civilian personnel				
International staff	6 795.9	6 826.4	(30.5)	(0.4)
National staff	8 694.7	8 537.2	157.5	1.8
United Nations Volunteers	—	—	—	—
General temporary assistance	192.0	212.1	(20.1)	(10.5)
Subtotal	**15 682.6**	**15 575.7**	**106.9**	**0.7**
Operational costs				
Government-provided personnel	—	—	—	—
Civilian electoral observers	—	—	—	—
Consultants	—	—	—	—
Official travel	425.2	346.1	79.1	18.6
Facilities and infrastructure	8 195.5	8 514.2	(318.7)	(3.9)
Ground transportation	3 338.7	4 210.6	(871.9)	(26.1)
Air transportation	1 836.4	1 732.5	103.9	5.7
Naval transportation	—	—	—	—
Communications	844.5	754.2	90.3	10.7
Information technology	787.9	809.4	(21.5)	(2.7)
Medical	372.6	315.3	57.3	15.4
Special equipment	—	—	—	—
Other supplies, services and equipment	593.1	428.6	164.5	27.7
Quick-impact projects	—	—	—	—
Subtotal	**16 393.9**	**17 110.9**	**(717.0)**	**(4.4)**
Gross requirements	**56 325.7**	**55 744.4**	**581.3**	**1.0**
Staff assessment income	2 555.7	2 577.8	(22.1)	(0.9)
Net requirements	**53 770.0**	**53 166.6**	**603.4**	**1.1**
Voluntary contributions in kind (budgeted)[a]	1 830.6	1 562.1	268.5	14.7
Total requirements	**58 156.3**	**57 306.5**	**849.8**	**1.5**

[a] Includes $1,562,100 from the Government of Cyprus for maintenance/repair services, maintenance supplies for UNFICYP facilities and rations for United Nations police.

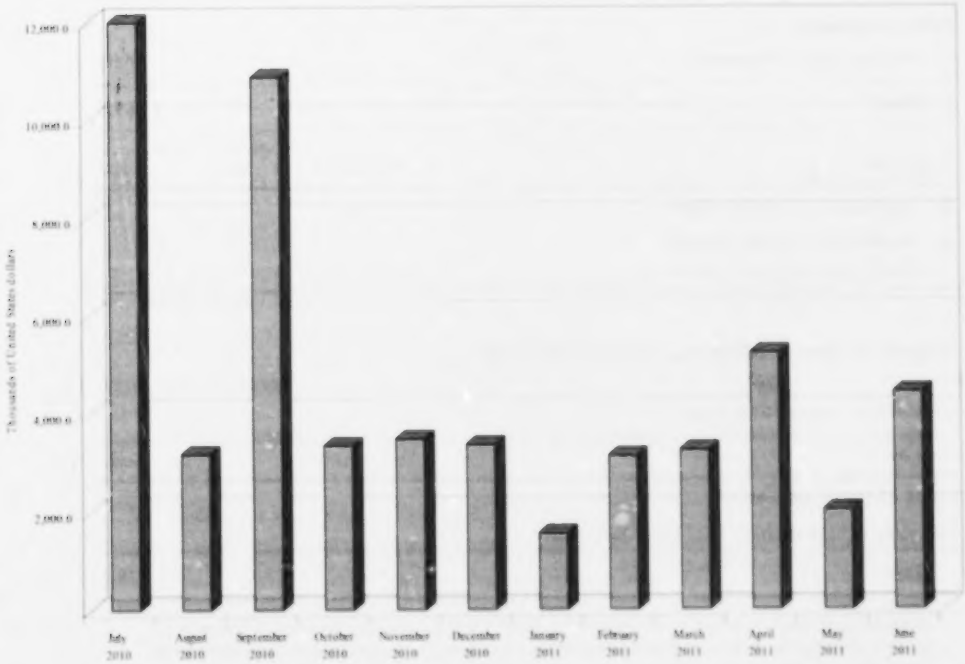
B. Summary information on redeployments across groups

(Thousands of United States dollars)

Group	*Appropriation*		
	Original distribution	*Redeployment*	*Revised distribution*
I. Military and police personnel	24 249.2	(1 159.5)	23 089.7
II. Civilian personnel	15 682.6	357.0	16 039.6
III. Operational costs	16 393.9	802.5	17 196.4
Total	**56 325.7**	—	**56 325.7**
Percentage of redeployment to total appropriation			**2.1**

19. The redeployment of funds was primarily attributable to additional requirements for international staff, higher common staff costs for national staff under civilian personnel, increased requirements under operational costs resulting from higher costs for the rental of vehicles, higher fuel costs and higher costs for utilities and maintenance services. Reduced requirements under military and police personnel resulted from lower costs for the rotation of contingent personnel through commercial flights and the lower unit cost of rations.

C. Monthly expenditure pattern



20. Higher expenditures in July and September 2010 and in April and June 2011 were attributable to obligations raised for reimbursements to troop-contributing Governments for standard troop costs, contingent-owned equipment and self-sustainment.

D. Other income and adjustments

(Thousands of United States dollars)

Category	*Amount*
Interest income	138.2
Other/miscellaneous income	599.6
Cancellation of prior-period obligations	486.2
Total	**1 224.0**

E. Expenditure for contingent-owned equipment: major equipment and self-sustainment

(Thousands of United States dollars)

Category	*Expenditure*
Major equipment	
Military contingents	1 205.6
Self-sustainment	
Facilities and infrastructure	164.2
Total	**1 369.8**

Mission factors	*Percentage*	*Effective date*	*Last review date*
A. Applicable to Mission area			
B. Applicable to home country			
Incremental transportation factor	0.25-3.75		

F. Value of non-budgeted contributions

(Thousands of United States dollars)

Category	*Actual value*
Status-of-forces agreement[a]	228.2
Voluntary contributions in kind (non-budgeted)	—
Total	**228.2**

[a] Inclusive of market value, as estimated by UNFICYP, of the cost of United Nations observation posts, office and accommodation facilities provided by the Government of Cyprus to the Force for military contingents and United Nations police.

IV. Analysis of variances[1]

	Variance	
Military contingents	$725.0	3.4%

21. The unutilized balance was attributable primarily to: (a) lower actual costs of commercial and charter flights for the rotation of contingent personnel; (b) lower actual unit cost for rations ($7.58 per person-day) than the budgeted cost ($8.51 per person-day); and (c) reduced requirements for mission subsistence allowances resulting from fluctuations in the exchange rate between the euro and the United States dollar (average rate of €0.741 per United States dollar against the budgeted rate of €0.700 per United States dollar). The variance was offset in part by additional requirements for standard troop cost reimbursements as a result of the lower actual vacancy rate of 0.5 per cent compared with the delayed deployment factor of 1 per cent applied in the budget.

	Variance	
United Nations police	$466.4	14.7%

22. The unutilized balance was primarily attributable to reduced requirements for mission subsistence allowances and for the rotation travel of police officers owing to the higher vacancy rate of 4 per cent, compared with the delayed deployment of 1 per cent applied in the budget and the above-mentioned fluctuations in the exchange rate between the euro and the United States dollar.

	Variance	
National staff	$157.5	1.8%

23. The unutilized balance was primarily attributable to reduced requirements for national staff salaries, owing to the above-mentioned fluctuations in the exchange rate between the euro and the United States dollar.

	Variance	
General temporary assistance	($20.1)	(10.5%)

24. The additional requirements were attributable to higher actual requirements for the employment of temporary personnel (individual contractors) as replacements for staff on maternity or extended sick leave.

	Variance	
Official travel	$79.1	18.6%

25. The unspent balance was primarily attributable to the cancellation of some planned non-training travel related to annual conferences and workshops owing to cost-saving measures.

[1] Resource variance amounts are expressed in thousands of United States dollars. Analysis is provided for variances of at least plus or minus 5 per cent or $100,000.

	Variance	
Facilities and infrastructure	($318.7)	(3.9%)

26. The additional requirements were primarily attributable to: (a) higher actual costs for electricity at an average cost of $176,600 per month compared to the budgeted cost of $156,700 per month; (b) higher actual monthly cost of $279,700 compared to the budgeted cost of $205,300 for the new contract for consolidated camp services effective 1 March 2011; and (c) higher actual consumption of kerosene (223,800 litres) compared to the budgeted estimate (190,000 litres) and the higher unit cost of kerosene at $0.93 per litre compared to the budgeted $0.48 per litre. The variance was partly offset by reduced requirements for alteration and renovation services owing to the Force's reduced share of the renovation costs of sites in the United Nations Protected Area in which water and electrical distribution systems are located.

	Variance	
Ground transportation	($871.9)	(26.1%)

27. The additional requirements were attributable to higher costs for the rental of vehicles in connection with the renewal of the rental contract and higher unit costs for petrol (actual cost of $0.87 per litre compared to $0.61 per litre budgeted) and diesel fuel (actual cost of $0.91 per litre compared to $0.65 per litre budgeted). The variance was partly offset by reduced requirements for the acquisition of vehicles owing to the non-acquisition of a medium-sized bus and the lower actual cost of one material-handling vehicle and maintenance services owing to lower actual costs of repairs to damaged vehicles.

	Variance	
Air transportation	$103.9	5.7%

28. The unspent balance was primarily attributable to reduced requirements for the rental and operation of three helicopters, related fuel requirements and number of flight hours (actual of 1,048 flight hours compared to 1,320 planned flight hours) owing to the unavailability of one Bell 212 helicopter from March 2011 as a result of technical problems.

	Variance	
Communications	$90.3	10.7%

29. The unspent balance was primarily attributable to the delay in the establishment of a leased line to the United Nations Support Base in Valencia, Spain. The variance was partly offset by additional requirements for the replacement of UHF equipment.

	Variance	
Medical	$57.3	15.4%

30. The unspent balance was mainly attributable to reduced requirements for medical supplies.

	Variance	
Other supplies, services and equipment	$164.5	27.7%

31. The unspent balance was primarily attributable to reduced requirements for: (a) other services resulting from the discontinuation of grooming services for contingent personnel and lower requirements for advertisements on vacancy announcements and procurement in local newspapers; and (b) lower actual requirements for other freight and related costs.

V. Actions to be taken by the General Assembly

32. **The actions to be taken by the General Assembly in connection with the financing of UNFICYP are:**

(a) **To decide on the treatment of the unencumbered balance of $581,300 with respect to the period from 1 July 2010 to 30 June 2011;**

(b) **To decide on the treatment of other income for the period ended 30 June 2011 amounting to $1,224,000 from interest income ($138,200), other/miscellaneous income ($599,600) and cancellation of prior-period obligations ($486,200).**

United Nations A/66/569

General Assembly

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Agenda item 156
Financing of the United Nations Observer Mission in Georgia

Financing of the United Nations Observer Mission in Georgia

Report of the Secretary-General

Summary

The present report provides details on the final disposition of the assets of the United Nations Observer Mission in Georgia, with a total inventory value of $22,710,000 as at 1 July 2009. The disposition of the assets was undertaken in accordance with regulation 5.14 of the Financial Regulations and Rules of the United Nations.

Summary of the final disposition of the assets of the United Nations Observer Mission in Georgia

(Thousands of United States dollars)

Category	*Inventory value*	*Percentage*
Group I: transferred to other missions or for temporary storage at the United Nations Logistics Base at Brindisi, Italy	10 734.6	47.3
Group II: disposed of in the mission area		
Transferred to the Office of the United Nations High Commissioner for Refugees in Georgia	3 667.1	16.1
Sold	3 000.1	13.2
Group III: written off/lost	5 308.2	23.4
Total	**22 710.0**	**100.0**

The action to be taken by the General Assembly is set out in paragraph 9 of the present report.

11-60110 (E) 151211

Please recycle

I. Introduction

1. The mandate of the United Nations Observer Mission in Georgia (UNOMIG) was established by the Security Council in its resolution 858 (1993), expanded in its resolution 937 (1994) and extended until 15 June 2009 in its resolution 1866 (2009). The mandate was not extended beyond that date.

2. The present report provides details on the final disposition of the assets of UNOMIG as at 31 October 2009, undertaken in accordance with regulation 5.14 of the Financial Regulations and Rules of the United Nations.

II. Classification and disposition of the assets of the United Nations Observer Mission in Georgia

3. The process of liquidating the assets of UNOMIG was guided by the following principles and policies contained in financial regulation 5.14:

(a) Equipment in good condition that conforms to established standardization or is considered compatible with existing equipment will be redeployed to other peacekeeping operations or will be placed in reserve to form start-up kits for use by future missions;

(b) Equipment not required for current or future peacekeeping operations may be redeployed to other United Nations activities funded from assessed contributions, provided that there is a demonstrated need for the equipment;

(c) Equipment not required for current or future peacekeeping operations or other United Nations activities funded from assessed contributions but which may be useful for the operations of other United Nations agencies, international organizations or non-governmental organizations will be sold to such agencies or organizations;

(d) Any equipment or property not required or which it is not feasible to dispose of in accordance with subparagraphs (a), (b) or (c) above or which is in poor condition will be subject to commercial disposal in accordance with the procedures applicable to other United Nations equipment or property;

(e) Any assets which have been installed in a country and which, if dismantled, would set back the rehabilitation of that country shall be provided to the duly recognized Government of that country in return for compensation in a form to be agreed by the Organization and the Government. This refers in particular to airfield installations and equipment, buildings, bridges and mine-clearing equipment. Where such assets cannot be disposed of in this manner or otherwise, they will be contributed free of charge to the Government of the country concerned. Such contributions require the prior approval of the General Assembly.

4. The assets of UNOMIG, with a total inventory value as at 1 July 2009 of $22,710,000 and a corresponding residual value of $7,599,600, have been grouped into 14 categories: accommodation equipment, communications equipment, data-processing equipment, generators, medical equipment, mine-clearing equipment, miscellaneous equipment, observation equipment, office equipment, petrol tanks and metering equipment, prefabricated buildings, refrigeration equipment, security equipment and vehicular equipment.

5. In accordance with the principles and policies recalled in paragraph 3 above, the assets of UNOMIG have been placed into three groups (see table 1).

Table 1
Summary of the final disposition of the assets of the United Nations Observer Mission in Georgia
(Thousands of United States dollars)

Category	*Inventory value*	*Percentage*
Group I: transferred		
Transferred to other missions or for temporary storage at the United Nations Logistics Base at Brindisi, Italy	10 734.6	47.3
Group II: disposed of in the mission area		
Transferred to the Office of the United Nations High Commissioner for Refugees in Georgia	3 667.1	16.1
Sold	3 000.1	13.2
Group III: written off/lost		
Written off	5 251.0	23.1
Lost	57.2	0.3
Total	**22 710.0**	**100.0**

6. Group I includes assets identified as meeting the requirements of peacekeeping operations or United Nations activities funded from assessed contributions. The items in this group, with an inventory value of $10,734,600 (47.3 per cent of the total asset value) and a residual value of $3,980,400, have been transferred to other United Nations missions and the United Nations Logistics Base at Brindisi, Italy, for temporary storage pending future use.

7. Group II includes assets disposed of locally with an inventory value of $6,667,200, representing 29.3 per cent of the total asset value. This group comprises assets transferred to the Office of the United Nations High Commissioner for Refugees in Georgia with an inventory value of $3,667,100 and a residual value of $1,106,900, as well as assets disposed of through commercial sale to private companies and individuals, with an inventory value of $3,000,100 and a residual value of $821,900. The amount of $363,700, representing the proceeds of the sale, was credited as miscellaneous income to the UNOMIG special account (see table 2).

Table 2
Assets disposed of locally
(Thousands of United States dollars)

	Inventory value	*Residual value*	*Sale value*
Transferred to the Office of the United Nations High Commissioner for Refugees in Georgia	3 667.1	1 106.9	
Sold	3 000.1	821.9	363.7
Total	**6 667.2**	**1 928.8**	**363.7**

8. The assets in group III have a total inventory value of $5,308,200, representing 23.4 per cent of the total asset value, and a residual value of $1,690,400. The assets have been written off mainly as a result of accidents, damage caused by natural elements, faulty equipment or normal wear and tear, or because it was not economical to repair them (see table 3).

Table 3
Assets written off or lost
(Thousands of United States dollars)

Category	*Inventory value*	*Residual value*
Written off		
Accident and damage	175.0	68.9
Faulty	189.9	77.7
Normal wear and tear and regular life cycle activity	4 175.7	1 311.4
Not economical to repair	617.8	176.3
Other[a]	92.6	29.1
Subtotal	**5 251.0**	**1 663.4**
Lost	57.2	27.0
Total	**5 308.2**	**1 690.4**

[a] Including theft, hostile action and surplus equipment.

III. Action to be taken by the General Assembly

9. **The General Assembly is requested to take note of the present report on the final disposition of the assets of UNOMIG.**

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General Assembly

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Sixty-sixth session
Agenda items 133 and 134

Programme budget for the biennium 2010-2011

Proposed programme budget for the biennium 2012-2013

Limited budgetary discretion

Report of the Secretary-General

Summary

The General Assembly, in section III of its resolution 60/283, decided to authorize the Secretary-General, on an experimental basis, a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments up to 20 million United States dollars in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities. In accordance with the provisions of paragraph 8 of section III of that resolution, it was expected that such discretion would be implemented in accordance with a number of defined principles.

By section III of its resolution 64/260, the General Assembly extended these arrangements for the biennium 2010-2011 and requested the Secretary-General to submit a comprehensive report to the Assembly at its sixty-sixth session, fully addressing the requests made by the Assembly in section III, paragraphs 10 (a) to (d), of resolution 60/283.

The present report is submitted in response to that request. On the basis of the experience of the past three bienniums, the Secretary-General proposes to establish the limited discretionary mechanism with some modifications.

11-60125 (E) 281111

Please recycle

I. Introduction

1. Following the adoption of the 2005 World Summit Outcome (resolution 60/1) and the reaffirmation by the General Assembly of the role of the Secretary-General as the chief administrative officer of the Organization, in accordance with Article 97 of the Charter of the United Nations, the Assembly requested him to make proposals for its consideration on the conditions and measures necessary for him to effectively carry out his managerial responsibilities. A number of reform proposals had been put forward for consideration by the Assembly, including proposals to make more efficient use of the financial and human resources available to the Organization, and thus better comply with its principles, objectives and mandates.

2. Subsequently, in paragraph 11 of its resolution 60/246, the General Assembly recognized the need for limited discretion in budgetary implementation for the Secretary-General, within defined parameters to be agreed by the General Assembly along with clear accountability mechanisms for its use. In that regard, the General Assembly decided, in section III of its resolution 60/283, to authorize the Secretary-General, on an experimental basis, a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments up to 20 million United States dollars in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities, subject to defined principles as articulated in paragraph 8 of section III of the same resolution. The discretion is limited to $6 million under the authority of the Secretary-General; any amounts in excess of that level require submission to and approval by the Advisory Committee on Administrative and Budgetary Questions. The Assembly extended these arrangements for the biennium 2010-2011 by resolution 64/260.

3. This discretion was utilized by the Secretary-General over the course of the bienniums 2006-2007 and 2008-2009 and its use reported to the General Assembly through the Advisory Committee on Administrative and Budgetary Questions, as required by the Assembly in paragraph 9 of its resolution 60/283, in the context of the related performance reports.

4. Pursuant to paragraph 10 of resolution 60/283, the Secretary-General reported in December 2009 on the limited budgetary discretion and recommended that consideration be given to the continuation of the limited discretion provision as an established procedure, with some modifications to the levels of the discretion (see A/64/562). Specifically, it was proposed that the amount of the discretion be increased to $30 million (from $20 million), and that the amount beyond which the prior concurrence of the Advisory Committee must be sought be increased to $10 million per biennium (from $6 million per biennium).

5. In its report (A/64/7/Add.18), the Advisory Committee noted that the discretion had been authorized by the Assembly on an experimental basis and that its formal establishment as a mechanism, as requested by the Secretary-General, was a policy decision to be made by the Member States. The Advisory Committee also concluded, inter alia, that it had no objection to the continuation of the current arrangements for the exercising of the limited discretionary authority by the Secretary-General for the biennium 2010-2011.

6. The Advisory Committee recommended that the Secretary-General be requested to submit a comprehensive report to the General Assembly at its sixty-sixth session

that would fully address the requests made in section III, paragraphs 10 (a) to (d), of resolution 60/283. In section III, paragraph 2 of its resolution 64/260, the General Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee. The present report has been prepared pursuant to the Assembly's request.

II. Purpose of limited budgetary discretion

7. The purpose of limited budgetary discretion is to enable the Secretary-General to carry out his managerial responsibilities more effectively by allowing reallocation of resources that have been approved by Member States for a given biennium in order to meet evolving requirements for which resources are not otherwise available.

8. There are existing arrangements and processes to accommodate various needs that may arise during programme implementation. However, there are cases where discretion is needed across budget sections to address requirements that cannot be met from the resources available within a particular budget section, but that could be met from potential savings in the overall budget. The budgetary discretion provided for under resolution 60/283 is intended to address such cases.

9. The preparation of the programme budget begins with the proposed strategic framework on which the programme budget is based. The strategic framework is submitted in April of the first year of the biennium preceding the budgetary period that it covers. In accordance with the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2000/8), the proposed programme budget is submitted one year later, in April of the second year of the preceding biennium. The time that elapses from preparation to full implementation, therefore, is 44 months for the strategic framework and 32 months for the programme budget.

10. In view of the length of the budget process as described above, there are requirements that will arise following the submission of the proposed programme budget and during the implementation of the approved programme budget. Established mechanisms to address such requirements include the authority to use resources within an existing section of the programme budget and to request the General Assembly's approval to use the contingency fund for additional and expanded mandates adopted by Member States.

11. In addition, the Secretary-General is authorized, under certain conditions and monetary limits, to enter into commitments for activities of an urgent nature relating to the maintenance of peace and security without reverting to the Advisory Committee on Administrative and Budgetary Questions and the Assembly for approval of the required resources.

12. The application of limited budgetary discretion falls outside the parameters of existing mechanisms and does not require additional funds to be made available (no new appropriation) by the General Assembly. Limited budgetary discretion entails the redistribution of resources from "potential" savings during implementation of the programme budget as a whole to budget sections that would not be able to accommodate the requirements from the resources available within that section.

13. The mechanism of limited budgetary discretion allows evolving requirements that cannot otherwise be addressed to be met quickly from the efficient reallocation of available resources. The failure to meet such requirements could negatively impact programme delivery.

III. Review of the elements requested in General Assembly resolution 60/283

14. The premise of the authorization provided by General Assembly resolution 60/283 was that the exercise of limited discretion would not involve a new appropriation, but rather would be offset by savings identified and attained, including through the efficient use and assignment of resources, during the course of each biennium within the authorized appropriation level, as reported in the performance reports. Implementation was expected to be in accordance with nine specific principles as detailed in paragraph 8 of section III of General Assembly resolution 60/283, namely:

(a) The experiment would not be utilized for unforeseen and extraordinary expenses authorized in respect of the maintenance of peace and security;

(b) The experiment would not imply any changes in the human resources management policies of the Organization;

(c) The proposed programme budget would remain the principal instrument in which the Secretary-General sets out the resources and staffing requirements of the Organization, including the requirements for all reform proposals as agreed by Member States;

(d) The experiment would in no way prevent the Secretary-General from requesting additional posts during the course of the experiment;

(e) The experiment would not be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions "within existing resources";

(f) The experiment would not imply any changes to the provisions guiding the use of the contingency fund;

(g) The utilization of authorization would be exercised with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions when the total amount is in excess of 6 million dollars per biennium;

(h) The experiment would not alter the priorities of the Organization as agreed by the General Assembly; and

(i) The utilization of the funds provided for under the experiment would be subject to the Financial Regulations and Rules of the United Nations.

15. The General Assembly decided in its resolution 60/283 to review the experiment with a view to taking a final decision on its continuation, and requested the Secretary-General to submit a comprehensive report on the implementation of the experiment for its consideration, including the following aspects:

(a) The utilization of the experiment during the course of the two bienniums;

(b) Implications, if any, for the human resources management policies and the Financial Regulations and Rules;

(c) The impact on programme delivery, as well as on the priorities of the Organization as set by Member States;

(d) The criteria used by the Secretary-General to define the evolving needs of the Organization.

16. In accordance with the request of the General Assembly, each of these aspects is addressed below.

A. Utilization of the limited budgetary discretion experiment

17. As required by the General Assembly in resolution 60/283, the use of the limited budgetary discretion granted to the Secretary-General has been reported on in the context of the first and second performance reports for the respective bienniums. In addition, information relating to the bienniums 2006-2007 and 2008-2009 was reported to the General Assembly at its sixty-fourth session (see A/64/562).

18. Over the course of the last three bienniums, the discretion has been utilized for requirements amounting to $29,010,100, of which $8,783,400 relates to the 2006-2007 biennium, $11,320,100 relates to the 2008-2009 biennium and $8,906,600 relates to the 2010-2011 biennium. Comprehensive information on the utilization of the discretion from 2006 to the present is summarized in the table below.

Utilization of the limited budgetary discretionary authority for 2006-2007 through 2010-2011

(In United States dollars)

Use[a]	*2006-2007*[b,c]	*2008-2009*[d]	*2010-2011*[e]	*Total*
Avian influenza pandemic preparedness	5 283 400	—	—	5 283 400
Human influenza pandemic preparedness	—	8 556 100	—	8 556 100
Enterprise resource planning project	—	2 764 000	—	2 764 000
Fire safety at United Nations Headquarters	3 500 000	—	—	3 500 000
Strengthening of the Office of Legal Affairs	—	—	826 600	826 600
Dispute Tribunal	—	—	2 038 200	2 038 200
Strengthening of the Administrative Law Unit in the Office of Human Resources Management	—	—	518 900	518 900
Reconstruction of ECLAC premises[f]	—	—	5 522 900	5 522 900
Total	**8 783 400**	**11 320 100**	**8 906 600**	**29 010 100**

(Footnotes on following page)

(Footnotes to table)

[a] The requirements have been funded through the utilization of savings under various programme budget sections.
[b] No use of the limited budgetary discretion was made in 2006 (see A/64/562, para. 8).
[c] See A/64/562, para. 9.
[d] See A/64/545, para. 28, and General Assembly resolution 63/262, sect. II, paras. 18-20.
[e] To be reported in context of the second performance report for the biennium 2010-2011.
[f] Does not reflect insurance reimbursements of $1,785,000 that were redistributed back to releasing sections.

Utilization for the biennium 2006-2007

19. Owing to the need to establish the criteria for defining evolving needs consistent with the principles set out in resolution 60/283, no use was made of the facility during 2006.

20. In 2007, with the establishment of the modalities (see annex I to the present report), there were a number of instances in which there was recourse to the limited discretion mechanism. As required, these were detailed in the second performance report for the biennium 2006-2007 (A/62/575, paras. 33-38). Notably, budgetary requirements were provided for in two specific instances:

(a) An amount of $5,283,400 was utilized to develop and implement the preparedness plans associated with the virulent strain of avian influenza known as AH5N1, with its potential for a human influenza pandemic, in order to ensure that the United Nations was ready for such a pandemic and that all offices could continue to carry out critical mandates. Those requirements were used to address the integration of business continuity planning for offices in New York, offices away from Headquarters and regional commissions, as well as the coordination of the preparation and implementation of a staff training plan;

(b) In addition, an amount of $4 million was utilized to address fire safety deficiencies identified in the Secretariat building by the New York City Fire Department. Of this amount $500,000 was absorbed from within section 32, Construction, alteration, improvement and major maintenance, of the budget. The concurrence of the Advisory Committee on Administrative and Budgetary Questions was sought to fund the remaining $3.5 million under the limited discretion authority, in accordance with paragraph 8 (g) of section III of resolution 60/283.

21. The redeployment of amounts to address the avian flu pandemic preparedness and fire safety deficiencies at Headquarters is detailed by budget section in table 1 of annex II to the present report.

Utilization for the biennium 2008-2009

22. During the biennium 2008-2009 and as detailed in the first performance report (A/63/573, paras. 35-43) and the second performance report (A/64/545, paras. 26-36), recourse was made to the limited budgetary discretion for two cross-cutting activities:

(a) An amount of $2,764,000 was utilized to address the continued funding of a dedicated project team to maintain the momentum and ensure the progress on major foundation tasks relating to the enterprise resource planning system. In April

2008, the Secretary-General detailed the proposal to implement an enterprise resource planning project for the United Nations (see A/62/510/Rev.1). In its resolution 63/262, the General Assembly approved an amount of $20 million for the project for the biennium 2008-2009 and requested the Secretary-General to meet the regular budget share of requirements for the planning system in the amount of $2,764,000 from the overall resources appropriated for the biennium 2008-2009 for the regular budget and to report the related expenditure, as necessary, in the second performance report for the biennium 2008-2009. Accordingly, the regular budget share was accommodated through the use of the authority granted under resolution 60/283;

(b) An amount of $8,556,100 was allocated for operational preparedness and business continuity in the event of a protracted human influenza pandemic crisis. During the first part of its resumed sixty-third session in March 2009, the General Assembly considered the report of the Secretary-General on revised estimates under various sections of the programme budget for the biennium 2008-2009 relating to business continuity management (A/63/359 and Corr.1). In section III of its resolution 63/268, the General Assembly requested the Secretary-General, inter alia, to submit a fully justified proposal for post and non-post resources in relation to the work under way on business continuity management in the context of the proposed programme budget for the biennium 2010-2011. The Assembly did not, however, approve any resources for the biennium 2008-2009 for activities related to business continuity management. As reported in the first performance report for the biennium 2008-2009 (A/63/573, paras. 37-41), the coordination of activities and preparedness plans for business continuity, including those relating to a potential pandemic, was carried out using the discretionary authority granted to the Secretary-General in resolution 60/283. As no appropriation existed in 2009 for the continuation of activities related to business continuity management, including pandemic preparedness, the mechanism under the terms of resolution 60/283 was used for the continuation of those activities in order to ensure that the offices of the Secretariat in New York and away from Headquarters and the regional commissions would be able to mobilize and maintain critical functions.

23. The redeployment of amounts under the limited discretion mechanism during the biennium 2008-2009 is detailed by budget section in table 2 of annex II to the present report.

Utilization for the biennium 2010-2011

24. During the biennium 2010-2011, as reported in the first performance report (A/65/589, paras. 39-52) and the second performance report (to be issued), the discretionary authority has been utilized to accommodate a number of evolving requirements:

(a) An amount of $2,038,200 was used to fund the extension of the appointments of three ad litem judges of the United Nations Dispute Tribunal and their support staff for the period from 1 July 2010 to 30 June 2011 to clear the existing backlog of cases from the former system of administration of justice. The General Assembly, in its resolution 63/253, acknowledged the need to clear the backlog and decided to appoint three ad litem judges to the United Nations Dispute Tribunal for a period of one year effective 1 July 2009 for that purpose. In a letter dated 8 February 2010 (A/64/664), the Secretary-General requested the President of

the General Assembly to take the necessary action to extend the period of appointment of the ad litem judges and their support staff for a further period of one year. On 29 March 2010, by its decision 64/553, the General Assembly extended the tenure of the three ad litem judges for an additional year beginning on 1 July 2010. Accordingly, resource requirements totalling $2,038,200 have been utilized to fund the extension;

(b) An amount of $518,900 was used to strengthen the Administrative Law Section of the Office of Human Resources Management for the period from 1 July 2010 to 30 June 2011 in order to address the backlog of cases from the former system of administration of justice. During the year prior to the introduction of the new system, the Administrative Law Section was responsible for handling approximately 150 appeal cases. As at 30 June 2010, the Section was responsible for 232 appeals, including cases transferred from the Joint Appeals Boards, the Joint Disciplinary Committees and the United Nations Administrative Tribunal prior to their abolition in 2009. Accordingly, resource requirements totalling $518,900 were used to fund three temporary positions (1 P-4 and 2 P-3) in the Administrative Law Section to address the backlog of cases referred from the United Nations Administrative Tribunal;

(c) An amount of $826,600 was used to strengthen the Office of Legal Affairs for the period from July to December 2010 to deal with the increased workload related to the new system of administration of justice. Experience had shown that an increased workload would result from the higher number of requests for advice and appeals of judgments, orders of the Dispute Tribunal and appeals being filed by staff members, as well as the shorter deadline for filing. During the first six months of the new system (i.e., from 1 July 2009), there were only five appeals by staff members. In 2010, 9 appeals were filed in the month of February alone, followed by 11 appeals in March. Accordingly, in order to handle the increased workload at a sustainable pace, the amount of $826,600 was utilized under the Secretary-General's limited budgetary discretion to provide for temporary resources (six Professional and two General Service (Other level) posts) for a limited duration until the General Assembly considered the report of the Secretary-General on the administration of justice at the United Nations (A/65/373 and Corr.1);

(d) An amount of $5,522,900 was used for the reconstruction and renovation of the premises of the Economic Commission for Latin America and the Caribbean (ECLAC) in Santiago following the February 2010 earthquake. It will be recalled that the Secretary-General had identified budgetary requirements amounting to $7,807,000 to meet expenses related to the relocation from damaged buildings and the reconstruction and renovation of the ECLAC compound. Of that amount, $2,284,100 was absorbed within section 20 (ECLAC) and section 33 (Construction, alteration, improvement and major maintenance) and $5,522,900 was initially allocated under the Secretary-General's limited budgetary discretion to cover costs related to (a) debris removal and minor repair works to existing buildings to assure the safety of staff, visitors and contractors; (b) evaluation and repair, which included the relocation of staff to temporary open office spaces that were not damaged and installation of a temporary office facility to accommodate staff; and (c) reconstruction, including major structural and interior repairs to main buildings, demolition and reconstruction of conference rooms, bathrooms and ancillary space, construction of premises for a permanent food services area, replacement of one

elevator, relocation of local area network rooms, and major repairs to the access control systems and safety systems, including consultancy services. The amount of $5,522,900 has been adjusted in 2011 to reflect the reimbursement of claims totalling $1,785,000 from the insurers.

25. No recourse has been made to the discretionary facility in 2011. Further requirements in 2011 relating to the extension of appointments of the ad litem judges for the United Nations Dispute Tribunal and the strengthening of the Administrative Law Section of the Office of Human Resources Management and the Office of Legal Affairs will be reported in the context of the second performance report. It will be recalled that, although the Secretary-General had asked for regularization of these requirements in his report on the administration of justice at the United Nations (A/65/373 and Corr.1), the General Assembly, in its resolution 65/251, endorsed the recommendation of the Advisory Committee on Administrative and Budgetary Questions in its related report (A/65/557) that temporary arrangements be continued within the approved biennial programme budget, as it was too early to assess what the workload and output of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal would be once the system stabilized.

26. The redeployment of amounts under the limited budgetary discretion provisions to address the above-mentioned organizational needs is detailed by section in table 3 of annex II to the present report.

27. As shown by the pattern of utilization over three bienniums, limited discretionary authority has allowed the Secretary-General to accommodate evolving requirements which, if unmet, posed a risk to programme delivery and in some cases to the safety of individuals, including staff members, delegates and visitors. It is expected that the nature of activities funded by limited budgetary discretion will continue to evolve according to the changing needs and circumstances under which the Organization operates.

B. Implications for the human resources management policies and the Financial Regulations and Rules

28. The nine principles set out by the General Assembly for the exercise of limited budgetary discretion (see para. 14 above) have been applied, including that the use of the funds should imply no change in the human resources management policies of the Organization and should be subject to the Financial Regulations and Rules of the United Nations. Funds allocated under the budgetary discretion mechanism are from within the existing appropriation; as such, the human resources management policies and the Financial Regulations and Rules continue to apply in full for such resources. An analysis of the experience over the past three bienniums shows that the utilization of the discretionary authority has had no implications for the human resources management policies or the Financial Regulations and Rules of the United Nations.

29. In the event that a proposed activity falls within the parameters set by the General Assembly and the criteria established by the Secretary-General for limited budgetary discretion, a detailed review of the vacancy and expenditure performance of the concerned sections is undertaken to determine whether the additional requirements stemming from the initiative can be absorbed. In cases where the

additional requirements cannot be absorbed, a detailed review of the overall vacancy rate and expenditure performance by section is done to determine whether funds can be released under the discretionary mechanism to support the initiative. Funds are only redeployed from those sections that have vacancy rates higher than the budgeted rate, resulting in underutilization of amounts budgeted for posts, and projected low expenditure patterns.

30. Notwithstanding the above, the redeployment of funds from a section does not prevent, delay or otherwise impact recruitment against vacant posts. In cases where limited budgetary discretion is used to fund positions, such positions are established on a temporary basis and the Organization's regulations, rules and human resources management policies apply to such positions. The creation of a temporary position under the discretionary authority in no way precludes the Secretary-General from requesting additional posts.

31. Similarly, the use of funds made available under discretionary authority is subject to the Financial Regulations and Rules and does not hinder the application of established financial and budgetary policies and procedures. Limited budgetary discretion relates to the use of appropriated amounts under the regular budget and, as such, established accountability and reporting requirements apply to the use of such discretion, including reporting in the context of the performance reports.

C. Impact on programme delivery and the priorities of the Organization as set by Member States

32. As indicated above, the nine principles enumerated by the General Assembly in paragraph 8 of section III of resolution 60/283 have been applied in exercising budgetary discretion. Notably, the experiment has in no way altered the priorities of the Organization as agreed by the General Assembly. Conversely, the discretion has allowed the Secretary-General to address evolving requirements which, if left unaddressed, had the potential to negatively impact programme delivery as mandated by Member States.

33. Experience over the past three bienniums indicates that the exercise of the discretionary authority has had a positive impact on programme delivery and the priorities of the Organization as set by Member States. As reflected in section A above, the Secretary-General has managed to meet evolving needs of the Organization through the redeployment of existing funds across budget sections, thereby reducing the need for additional appropriations. At the same time, since the funding of such needs comes from amounts that are underutilized as a result of post vacancies, programme delivery for those sections from which the funding is released is not hampered and the recruitment process in those sections is unaffected.

D. Criteria used by the Secretary-General to define the evolving needs of the Organization

34. As outlined above, the limited budgetary discretion has been used to meet the evolving needs of the Organization in fulfilling its mandated programmes and activities. Specifically, the purpose of the limited budgetary discretion is to allow

flexibility across budget sections to accommodate various needs during programme implementation.

35. The criteria that apply to the evolving needs of the Organization in the context of limited budgetary discretion are as follows:

(a) The proposed activity is in support of the priorities of the Organization;

(b) The required resources are not included in currently approved budgets;

(c) The required resources cannot be accommodated from within the amount appropriated at the budget section level;

(d) The proposed activity does not lend itself to funding by other sources, such as extrabudgetary resources, the contingency fund or under the provisions of unforeseen and extraordinary expenses in respect of the maintenance of peace and security;

(e) The requirements are of a one-time nature (specific to the current biennium). If requirements are of a continuing nature and would continue into a subsequent biennium, provision should be made for continuing costs in budgetary proposals for subsequent periods.

IV. Benefits of the limited budgetary discretion mechanism

36. On the basis of an analysis of the experience over the last three bienniums (2006-2007, 2008-2009 and 2010-2011), the Secretary-General has concluded that there is great value in the limited budgetary discretion mechanism.

37. The discretionary authority has proven beneficial to the Organization in attaining its mandated programmes and activities by addressing requirements relating to business continuity management, including avian and human influenza pandemic preparedness; start-up requirements for the enterprise resource planning project; extension of the appointments of the ad litem judges of the United Nations Dispute Tribunal; the workload related to the new system of administration of justice; the reconstruction of ECLAC; and remediation of fire safety deficiencies identified in the Secretariat building. The mechanism gave the Secretary-General the flexibility to meet these emerging and unanticipated needs in a timely manner within the approved level of appropriations and without negatively affecting mandated programme delivery.

38. The Advisory Committee on Administrative and Budgetary Questions has pointed out that alternative mechanisms exist, with specific conditions, to fund activities that have not been provided for in the programme budget, such as the use of the contingency fund for additional mandates adopted by Member States; the provision for unforeseen and extraordinary expenses in respect of the maintenance of peace and security; transfers between appropriations pursuant to financial regulation 5.6 and financial rule 105.1; commitments against appropriations for future financial periods (financial regulation 5.7 and financial rule 105.2); and the Working Capital Fund (see A/64/7/Add.18, para. 6).

39. Experience has shown that the application of limited budgetary discretion falls outside the parameters of existing mechanisms and does not require additional funds to be made available (no new appropriation) by the General Assembly.

40. The arrangements for the contingency fund, as set out in General Assembly resolutions 41/213 and 42/211, cover requirements that are not included in the proposed programme budget, such as revised estimates and programme budget implications, subject to the approval of the General Assembly.

41. Under General Assembly resolution 64/246, the Secretary-General may enter into commitments in the biennium 2010-2011 to meet unforeseen and extraordinary expenses relating to the maintenance of peace and security, and such commitments as the President of the International Court of Justice certifies relate to Court expenses.

42. The limited budgetary discretion mechanism was beneficial, as an example; in ensuring the continued implementation of business continuity management, including pandemic preparedness activities. Although funding for the continuation of business continuity management was not approved in 2009, in paragraphs 9, 13 and 14 of section III of its resolution 63/268, the General Assembly requested the Secretary-General:

(a) To ensure that lessons learned within the Secretariat for human influenza pandemic preparedness were taken into account as the work on business continuity management was implemented;

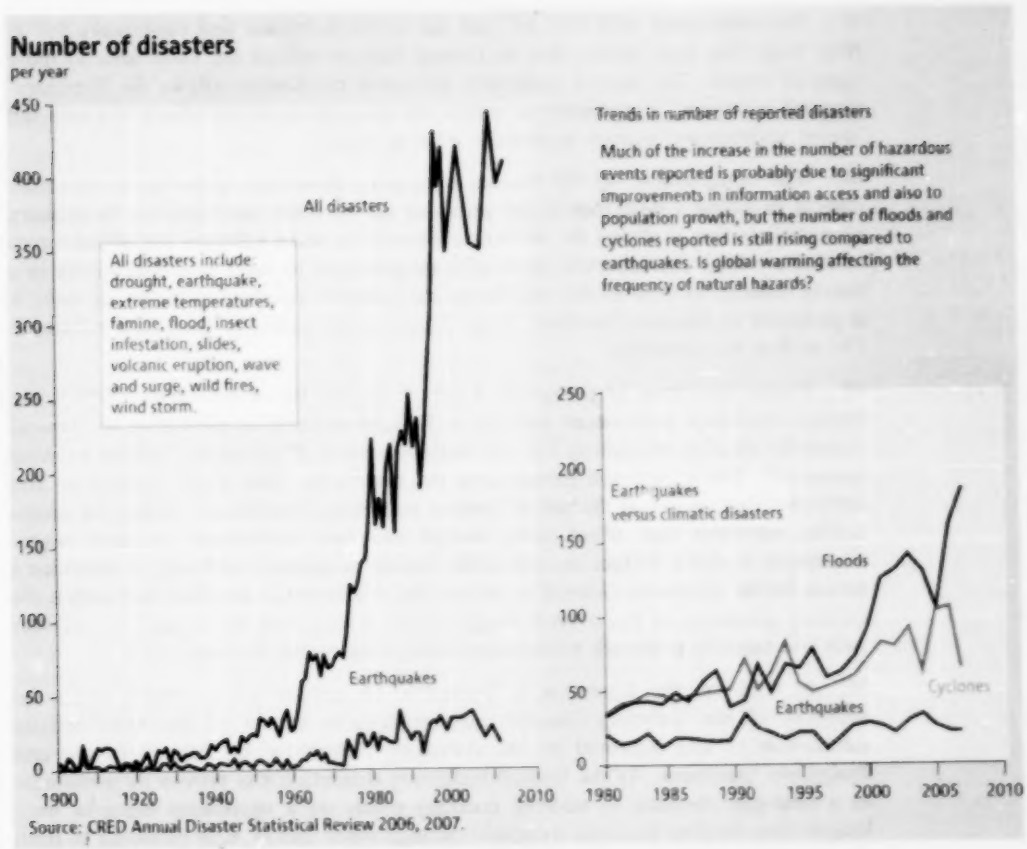
(b) To strive for economies of scale through coordination among organizations within the United Nations system on relevant issues, including the use of backup centres for information and communications technology, the use of consultants, the procurement of specialized equipment and medical supplies and training;

(c) To take all steps necessary to ensure that medical supplies and materials, including vaccines and antibiotics, were procured in compliance with the relevant provisions of General Assembly resolution 62/269.

43. Accordingly, as funding was not approved in 2009, the continued coordination of activities and preparedness plans for business continuity, including in the event of a pandemic, were made possible by recourse to the discretionary mechanism.

44. Experience has also shown that the advantage of limited budgetary discretion in comparison to other mechanisms is the speed with which the evolving needs of the Organization, for which resources are not otherwise available, can be addressed. The mechanism was particularly beneficial in ensuring the safety of individuals, staff, delegates and visitors at Headquarters and of personnel in ECLAC following the earthquake in Chile in February 2010. Accordingly, in situations brought about by natural or man-made events (including fire, flood, earthquake, storm, hurricane, other natural disaster or attack affecting United Nations premises, property or personnel) where the amount required is unpredictable, the mechanism can be utilized to ensure continuity of operations in a safe and secure environment.

45. In this regard, in the past decade the United Nations has experienced an unprecedented number of natural and man-made events that have impacted its operations, such as the earthquakes in Chile and Haiti, and the deeply concerning number of attacks on United Nations premises. Generally, research by the Centre for Research on the Epidemiology of Disasters reveals an exponential increase in natural disasters as reflected in the graph below.



46. According to the statistics compiled by the Centre,[1] the number of reported disasters in 2010 was 385, close to the annual average disaster occurrence between 2000 and 2009 (387). The number of victims increased from 198.7 million in 2009 to 217.3 million in 2010. Economic damages from natural disasters in 2010 were $123.9 billion, over 2.5 times higher than in 2009 ($47.6 billion), and 25.3 per cent higher than the annual average for the period 2000-2009. The regional distribution of disaster occurrence in 2010 resembled the annual average distribution of the last decade, with Asia accounting for 34.8 per cent of all reported disasters, the Americas 25.2 per cent, Europe 18.2 per cent, Africa 17.9 per cent and Oceania 3.9 per cent. Damages from geophysical disasters in 2010 increased by 147.4 per cent compared to the average damages from 2000 to 2009, mainly owing to the earthquakes in Chile, Haiti and New Zealand. Likewise, damages from hydrological disasters increased by 145.1 per cent as a result of the severe floods in China, Pakistan and Australia. The Russian Federation was affected by extreme temperatures, floods and wildfires.

[1] Debby Guha-Sapir et al., *Annual Disaster Statistical Review 2010* (Brussels, Centre for Research on the Epidemiology of Disasters, 2010), available at www.cred.be/sites/default/files/ADSR_2010.pdf.

47. The experience with ECLAC and the recent hurricane and earthquake felt in New York City have shown that all United Nations offices are vulnerable to these types of events. The limited budgetary discretion mechanism allows the Secretary-General to respond immediately to enable the resumption of operations in a safe and secure environment as soon as possible after an event.

48. The continuation of the limited budgetary discretion authority is therefore critical in filling a need that is not provided for by other mechanisms. Its primary advantage is that it allows the Secretary-General to make efficient use of resources available within the approved level of appropriations to meet emerging needs in a timely manner. In view of this and the overall positive outcome of the experiment, it is proposed to increase the limit of the discretionary authority from $20 million to $30 million per biennium.

49. Under the terms of paragraph 8 (e) of section III of resolution 60/283, the limited discretion experiment was not to be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions "within existing resources". The experience gained over the bienniums 2006-2007, 2008-2009 and 2010-2011 suggests that the use of limited budgetary discretion is fitting for cross-cutting activities that affect many budget sections, particularly in cases where absorption within a budget section could impact programme delivery. It provides a means for the Secretary-General to ensure that requirements are absorbed within the existing resources of the overall budget while minimizing the impact on se tions with less capacity to absorb without impacting programme delivery.

50. In addition, the discretion is limited to $6 million per biennium under the authority of the Secretary-General; any amounts in excess of this level require submission to and approval by the Advisory Committee on Administrative and Budgetary Questions. As the limited budgetary discretion has proven its usefulness as a stop-gap measure to address pressing needs on a short-term basis or until longer-term funding becomes available through other means, it is proposed to limit the discretion under the authority of the Secretary-General to $6 million per year, rather than per biennium. Given that the Advisory Committee is not in session during 26 weeks of the biennium, it would be prudent to grant the Secretary-General the authority on an annual basis so that he can meet pressing requirements, such as those arising from natural or man-made events, as necessary.

V. Conclusions and recommendations

51. As outlined in the present report, the use of limited budgetary discretion over the last three bienniums covered a broad range of activities relating to (a) organizational management requirements such as influenza pandemic preparedness, fire code compliance and the start-up of the enterprise resource planning system; (b) requirements relating to the system of administration of justice; and (c) natural or man-made events, such as the earthquake affecting ECLAC.

52. The experience to date with limited budgetary discretion has shown it to be beneficial in that it provides the Secretary-General with the ability to carry out his managerial responsibilities more effectively. Accordingly, the Secretary-General sees great value in establishing the limited budgetary discretion mechanism with some modification.

53. **The General Assembly is requested:**

(a) To take note of the present report;

(b) To approve the permanent establishment of the limited discretion mechanism;

(c) To approve the following modifications:

(i) The provision in paragraph 6 of section III of General Assembly resolution 60/283 would read:

"*Decides* to authorize the Secretary-General a limited discretion for budgetary implementation for each biennium, to enter into commitments up to 30 million United States dollars for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities";

(ii) The provision in subparagraph 8 (e) of section III of resolution 60/283 would read:

"The limited discretion shall not be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions 'within existing resources' except in cases where activities are of a cross-cutting nature, affecting many budget sections";

(iii) The provision in subparagraph 8 (g) of section III of resolution 60/283 would read:

"The utilization of authorization shall be exercised with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions when the total amount utilized exceeds 6 million dollars per year";

(d) To request the Secretary-General to report to the General Assembly in the context of the performance reports.

Annex I

Modalities for the Secretary-General's limited discretion for budgetary implementation

1. In accordance with the request of the General Assembly for full accountability and transparency, clear records of requests and reporting on the application of limited budgetary discretion are necessary.

2. In this connection, requests for the application of limited budgetary discretion mirror the procedures followed for actions taken under the provisions of the General Assembly resolution on unforeseen and extraordinary expenses. Accordingly:

(a) Requests are to be submitted to the Executive Office of the Secretary-General and, as deemed necessary, to the Management and/or Policy Committees, for overarching policy consideration and approval in principal;

(b) Detailed resource submissions are to be submitted to the Controller for review following established budgetary procedures and to ensure availability of funding and preparation of relevant exchange of letters with the Secretary-General for his/her approval on the use of the funds and flexibility;

(c) Full reporting on the implementation of limited budgetary discretion is to be submitted to the General Assembly in the context of the first and second performance reports.

Annex II

Utilization of the limited discretion for budgetary implementation by budget section

Information on the utilization of the limited budgetary discretion is detailed by budget section for the bienniums 2006-2007, 2008-2009 and 2010-2011 in tables 1 to 3 below.

Table 1
Use of limited discretion during 2006-2007
(Thousands of United States dollars)

	Use of limited discretion	
Budget section	*Influenza pandemic*	*Fire code compliance*
17. Economic and social development in Africa	23.1	—
18. Economic and social development in Asia and the Pacific	93.8	—
20. Economic and social development in Latin America and the Caribbean	359.2	—
21. Economic and social development in Western Asia	57.0	—
27. Public information	92.5	(3 500.0)
28A. Office of the Under-Secretary-General for Management	398.1	—
28C. Office of Human Resources Management	956.9	—
28D. Office of Central Support Services	1 603.8	—
28E. Administration, Geneva	557.4	—
28F. Administration, Vienna	530.0	—
28G. Administration, Nairobi	611.6	—
32. Construction, alteration, improvement and major maintenance		3 500.0
33. Safety and security	(5 283.4)	—
Total	—	—

Table 2
Use of limited discretion during 2008-2009

(Thousands of United States dollars)

		Use of limited discretion		
Budget section		*Enterprise resource planning system*	*Influenza pandemic*	*Business continuity management*[a]
2.	General Assembly and Economic and Social Council affairs and conference management	(1 382.0)	(422.2)	
5.	Peacekeeping operations			(1 600.0)
9.	Economic and social affairs			(1 500.0)
17.	Economic and social development in Africa		215.8	(925.8)
20.	Economic and social development in Latin America and the Caribbean		25.5	
21.	Economic and social development in Western Asia		8.3	(800.0)
23.	Human rights		(2 000.0)	
27.	Public information	(1 382.0)	18.0	
28A.	Office of the Under-Secretary-General for Management	2 329.5		
28C.	Office of Human Resources Management		232.4	2 132.1
28D.	Office of Central Support Services	434.5	1 438.7	465.3
28E.	Administration, Geneva		21.7	471.4
28F.	Administration, Vienna		150.3	
28G.	Administration, Nairobi		311.5	529.9
33.	Safety and security			418.1
36.	Office of Information and Communications Technology			809.0
	Total	—	—	—

[a] It should be noted that an amount of $1,308,100 borrowed from posts has been redistributed within the same sections, namely section 17, Economic and social development in Africa ($676,100), section 18, Economic and social development in Asia ($86,400), section 20, Economic and social development in Latin America and the Caribbean ($236,000), section 21, Economic and social development in Western Asia ($213,700), and section 28F, Administration, Vienna ($95,900).

Table 3
Use of limited discretion during 2010-2011

(Thousands of United States dollars)

Budget section	*Use of limited discretion*				
	Strengthening of the Office of Legal Affairs	*Extension of ad litem judges of the Dispute Tribunal*	*Strengthening of the Administrative Law Section*	*Reconstruction of ECLAC premises*[a]	*Total limited discretion*
1. Overall policymaking, direction and coordination	—	2 038.2	—	—	2 038.2
3. Political affairs	—	(1 019.1)	—	—	(1 019.1)
5. Peacekeeping operations	(826.6)	—	(518.9)	—	(1 345.5)
8. Legal affairs	577.2	—	—	—	577.2
17. Economic and social development in Africa	—	—	—	(3 585.1)	(3 585.1)
21. Economic and social development in Western Asia	—	—	—	(968.9)	(968.9)
28C. Office of Human Resources Management	—	—	518.9	—	518.9
28D. Office of Central Support Services	249.4	—	—	—	249.4
33. Construction, alteration, improvement and major maintenance	—	—	—	5 522.9	5 522.9
34. Safety and security	—	(1 019.1)	—	(968.9)	(1 988.0)
Total	—	—	—	—	—

[a] Does not reflect insurance reimbursements of $1,785,000 that were redistributed back to releasing sections.

United Nations A/66/571

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Agenda item 129
International residual mechanism for criminal tribunals

Election of judges of the International Residual Mechanism for Criminal Tribunals

Memorandum by the Secretary-General

I. Introduction

1. By its resolution 1966 (2010) of 22 December 2010, the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals ("the Mechanism") with two branches, to commence functioning on 1 July 2012 (branch for the International Criminal Tribunal for Rwanda) and 1 July 2013 (branch for the International Tribunal for the Former Yugoslavia), respectively.

2. The Security Council also requested, in the same resolution, the Secretary-General to initiate no later than 30 June 2011 the procedures for the selection of the roster of judges of the Mechanism, as provided in the statute of the Mechanism, which is contained in annex 1 to Security Council resolution 1966 (2010).

3. In accordance with article 8 of the statute of the Mechanism, the Mechanism shall have a roster of 25 independent judges ("judges of the Mechanism"), not more than two of whom may be nationals of the same State. This will be the first election of the judges for the Mechanism.

4. Pursuant to article 10, paragraph 1 (a), of the statute of the Mechanism, the Legal Counsel, on behalf of the Secretary-General, by a circular letter dated 23 June 2011, invited all States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters to submit their nominations for judges of the Mechanism. In accordance with article 10, paragraph 1 (b), of the statute, each State was invited to nominate, within 60 days of the date of the invitation, up to two candidates meeting the qualifications set out in article 9, paragraph 1, of the statute. The Legal Counsel's letter also invited States, in line with United Nations policies, to give due consideration to nominating suitably qualified women candidates. As the number of nominations received by the deadline of 22 August 2011 was insufficient, the Assistant Secretary-General for

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Legal Affairs sent another letter dated 24 August 2011, extending the deadline for nominations to 16 September 2011.

5. Pursuant to article 10, paragraph 3, of the statute of the Mechanism, the judges of the Mechanism shall be elected for a term of four years and shall be eligible for reappointment by the Secretary-General after consultation with the Presidents of the Security Council and the General Assembly.

6. By means of a letter dated 20 October 2011 (S/2011/659), the Secretary-General, in accordance with article 10, paragraph 1 (c), of the statute of the Mechanism, forwarded to the Security Council the 35 nominations which were received within the designated period for submission, as extended, as well as two nominations received after the deadline. On 8 November 2011, the Legal Counsel wrote to the President of the Security Council informing him of the withdrawal of one nomination.

7. The Security Council considered and established a list of 36 candidates for transmittal to the General Assembly. In accordance with article 10, paragraph 1 (d), of the statute of the Mechanism, the list was formally conveyed to the President of the General Assembly by means of a letter dated 16 November 2011 from the President of the Security Council.

8. The list of candidates for judges of the Mechanism and the procedure for the election of judges of the Mechanism are set out below. The curricula vitae of the candidates will be transmitted to the General Assembly in a separate document (A/66/572).

II. List of candidates for judges of the Mechanism

9. The list of candidates for judges of the Mechanism is as follows:

Mr. Carmel A. Agius (Malta)

Mr. Aydin Sefa Akay (Turkey)

Ms. Olivera Andjelkovic (Serbia)

Mr. Jean-Claude Antonetti (France)

Ms. Florence Arrey (Cameroon)

Ms. Solomy Balungi Bossa (Uganda)

Ms. Lombe P. Chibesakunda (Zambia)

Mr. José Ricardo de Prada Solaesa (Spain)

Mr. Juan Bautista Delgado Cánovas (Spain)

Mr. Juan Antonio Durán Ramírez (El Salvador)

Mr. Ben Emmerson (United Kingdom of Great Britain and Northern Ireland)

Mr. Christoph Flügge (Germany)

Ms. Graciela Susana Gatti Santana (Uruguay)

Mr. Alfredo Gomez Tedeschi (Uruguay)

Mr. Burton Hall (Bahamas)

Mr. Vagn Prüsse Joensen (Denmark)

Mr. Gberdao Gustave Kam (Burkina Faso)

Mr. Liu Daqun (China)

Mr. Joseph E. Chiondo Masanche (United Republic of Tanzania)

Mr. Theodor Meron (United States of America)

Mr. Bakone Justice Moloto (South Africa)

Mr. Lee G. Muthoga (Kenya)

Ms. Aminatta Lois Runeni N'gum (Zimbabwe/Gambia)

Mr. Daniel David Ntanda Nsereko (Uganda)

Ms. Prisca Matimbe Nyambe (Zambia)

Mr. Alphons Orie (Netherlands)

Mr. Seon Ki Park (Republic of Korea)

Ms. Michèle Picard (France)

Mr. Mparany Mamy Richard Rajohnson (Madagascar)

Mr. Patrick Lipton Robinson (Jamaica)

Mr. Ivo Nelson de Caires Batista Rosa (Portugal)

Mr. Carlos Ernesto Sánchez Escobar (El Salvador)

Mr. Wolfgang Schomburg (Germany)

Mr. William Hussein Sekule (United Republic of Tanzania)

Ms. Shiranee Tilakawardene (Sri Lanka)

Ms. Tatjana Vukovic (Serbia)

III. Procedure for the election of ad litem judges

10. The election of judges will take place in accordance with articles 9 and 10 of the statute of the Mechanism.

11. It was decided by the General Assembly, during the election of judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda in 1993, 1997, 1998, 2001 and 2005, to follow the election procedures for judges of the International Court of Justice given the similar nature of the election of judges of the International Court of Justice and the election of judges of the two tribunals. The Secretary-General suggests that these precedents be followed and that rule 151 of the rules of procedure of the General Assembly be applied to the election of judges of the Mechanism.

12. In accordance with article 10, paragraph 1 (d), of the statute of the Mechanism, the Holy See, being a non-member State which maintains a permanent observer

mission at United Nations Headquarters, will participate in the election in the same manner as the States Members of the United Nations.

13. On the date of the election, the General Assembly will elect 25 judges of the Mechanism from the list of candidates submitted to it by the Security Council.

14. According to article 9, paragraph 1, of the statute of the Mechanism, judges of the Mechanism shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. Particular account shall be taken of experience as judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda. According to article 9, paragraph 2, of the statute, due account shall be taken in the composition of the Trial and Appeals Chambers of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

15. In accordance with article 10, paragraph 1 (d), of the statute of the Mechanism, the candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected.

16. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly for current purposes are all 193 Member States, together with the one non-member State mentioned in paragraph 12 above. Accordingly, 98 votes constitute an absolute majority in the Assembly for the purpose of the present election.

17. Only those candidates whose names appear on the ballot papers are eligible for election. The electors will indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each elector may vote in the first ballot for no more than 25 candidates.

18. If, in the first ballot, the number of candidates obtaining an absolute majority is less than 25, a second ballot will be held and balloting will continue in the same meeting, if and as necessary, until 25 candidates have obtained an absolute majority. In any second or subsequent ballot, each elector may vote for no more than 25 candidates less the number of candidates who have already obtained an absolute majority.

19. Following the practice in the election of judges of the International Court of Justice, any second and subsequent balloting shall be unrestricted. Votes may accordingly be cast in any second or subsequent ballot for any eligible candidate who has not yet obtained an absolute majority.

20. If, in the first ballot, more than 25 candidates obtain an absolute majority of votes, a second ballot will be held on all candidates, and balloting will continue at the same meeting, if and as necessary, until 25 candidates, and no more, obtain an absolute majority. In any such case, each elector may vote, both in the first ballot and in any subsequent ballot, for 25 candidates.

21. When 25 candidates obtain the required majority, the President of the General Assembly shall declare the candidates concerned elected.

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Agenda item 129
International residual mechanism for criminal tribunals

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Memorandum by the Secretary-General

I. Introduction

1. By its resolution 1966 (2010) of 22 December 2010, the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals ("the Mechanism") with two branches, to commence functioning on 1 July 2012 (branch for the International Criminal Tribunal for Rwanda) and 1 July 2013 (branch for the International Tribunal for the Former Yugoslavia), respectively.

2. The Security Council also requested, in the same resolution, the Secretary-General to initiate no later than 30 June 2011 the procedures for the selection of the roster of judges of the Mechanism, as provided in the statute of the Mechanism, which is contained in annex I to Security Council resolution 1966 (2010).

3. In accordance with article 8 of the statute of the Mechanism, the Mechanism shall have a roster of 25 independent judges ("judges of the Mechanism"), not more than two of whom may be nationals of the same State. This will be the first election of the judges for the Mechanism.

4. Pursuant to article 10, paragraph 1 (a), of the statute of the Mechanism, the Legal Counsel, on behalf of the Secretary-General, by a circular letter dated 23 June 2011, invited all States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters to submit their nominations for judges of the Mechanism. In accordance with article 10, paragraph 1 (b), of the statute, each State was invited to nominate, within 60 days of the date of the invitation, up to two candidates meeting the qualifications set out in article 9, paragraph 1, of the statute. The Legal Counsel's letter also invited States, in line with United Nations policies, to give due consideration to nominating suitably qualified women candidates. As the number of nominations received by the deadline of 22 August 2011 was insufficient, the Assistant Secretary-General for

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5. Pursuant to article 10, paragraph 3, of the statute of the Mechanism, the judges of the Mechanism shall be elected for a term of four years and shall be eligible for reappointment by the Secretary-General after consultation with the Presidents of the Security Council and the General Assembly.

6. By means of a letter dated 20 October 2011 (S/2011/659), the Secretary-General, in accordance with article 10, paragraph 1 (c), of the statute of the Mechanism, forwarded to the Security Council the 35 nominations which were received within the designated period for submission, as extended, as well as two nominations received after the deadline. On 8 November 2011, the Legal Counsel wrote to the President of the Security Council informing him of the withdrawal of one nomination.

7. The Security Council considered and established a list of 36 candidates for transmittal to the General Assembly. In accordance with article 10, paragraph 1 (d), of the statute of the Mechanism, the list was formally conveyed to the President of the General Assembly by means of a letter dated 16 November 2011 from the President of the Security Council (A/66/564). For ease of reference, the letter identified with an asterisk those candidates with previous judicial experience at the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda, in accordance with article 9, paragraph 1, of the statute of the Mechanism, which provides that "[p]articular account shall be taken" of such experience.

8. The list of candidates for judges of the Mechanism and the procedure for the election of judges of the Mechanism are set out below. The curricula vitae of the candidates will be transmitted to the General Assembly in a separate document (A/66/572).

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Mr. José Ricardo de Prada Solaesa (Spain)

Mr. Juan Bautista Delgado Cánovas (Spain)

* Persons with experience as judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda.

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14. According to article 9, paragraph 1, of the statute of the Mechanism, judges of the Mechanism shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. Particular account shall be taken of experience as judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda. According to article 9, paragraph 2, of the statute, due account shall be taken in the composition of the Trial and Appeals Chambers of the experience of the judges in criminal law, international law, including international humanitarian law, and human rights law.

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